

# EXECUTIVE JOURNAL OF THE SENATE OF THE UNITED STATES.

[Third session of the Twenty-fifth Congress, commencing on Monday, December 3d, 1838.]

---

THURSDAY, DECEMBER 6, 1838.

The following messages were received from the President of the United States, by Mr. Martin Van Buren, junior, his secretary:

*To the Senate of the United States:*

I nominate the persons named in the accompanying list for promotion and appointment in the Army to the several grades annexed to their names, as proposed by the Secretary of War.

M. VAN BUREN.

WASHINGTON, *December 3d, 1838.*

WAR DEPARTMENT, *December 3d, 1838.*

SIR: I have the honor respectfully to propose for your approbation the annexed list of officers for regular promotion, and persons for appointment in the Army of the United States.

I am, sir, with great respect, your ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

ADJUTANT-GENERAL'S OFFICE.

*Washington, 3d December, 1838.*

## PROMOTIONS AND APPOINTMENTS IN THE ARMY OF THE UNITED STATES.

*Adjutant-General's Department.*

First Lieutenant Henry S. Turner, of the 1st Regiment of Dragoons, to be assistant adjutant-general with the brevet rank of captain of cavalry, 17th November, 1838, vice Keyes, resigned.

*Quartermaster's Department.*

John M. Washington, captain of the 4 Artillery, to be assistant quartermaster with the rank of captain, 7 July, 1838.

*Corps of Topographical Engineers*

James H. Simpson, 1st lieutenant of the 3d Regiment of Artillery, to be 1st lieutenant, 7th July, 1838.

*Medical Department.*

Assistant Surgeon Richard Clark to be surgeon, 7th July, 1838, vice King, declined.

James R. Conrad, of Virginia, to be assistant surgeon, 21st August, 1838.

William T. Leonard, of Maryland, to be assistant surgeon, 21st August, 1838.

John Byrne, of Maryland, to be assistant surgeon, 21st August, 1838.

Ellis Hughes, of Maryland, to be assistant surgeon, 21st August, 1838.

David C. De Leon, of South Carolina, to be assistant surgeon, 21st August, 1838.

Richard McSherry, jr., of Virginia, to be assistant surgeon, 21st August, 1838.

Joseph Walker, of Illinois, to be assistant surgeon, 21st August, 1838.

Charles Noyes, of Massachusetts, to be assistant surgeon, 21st August, 1838.

Benjamin W. Woods, of Maryland, to be assistant surgeon, 21st August, 1838.

Gustavus A. Williams, of Virginia, to be assistant surgeon, 21st August, 1838.

*Ordnance Department.*

Captain James W. Ripley to be major, 9 July, 1838.

First Lieutenant William A. Thornton, of the 4 Regiment of Artillery, to be captain, 9 July, 1838, vice Ripley, promoted.

First Lieutenant John Williamson, of the 1st Regiment of Artillery, to be 1st lieutenant, 30 September, 1833.

Lieutenant L. A. B. Walbach, of the 1st Regiment of Artillery, to be second lieutenant, 1 October, 1835.

*Second Regiment of Dragoons.*

Second Lieutenant William Hardia to be first lieutenant, 1st December, 1838, vice O'Neale, resigned.

Robert C. Asheton, late sergeant major, to be second lieutenant, 31st July, 1838, vice Brown, transferred to the artillery.

William J. Newton, of Virginia, to be 2d lieutenant, 1st August, 1838, vice Craig, transferred to the Infantry.

W. H. Saunders, of Virginia, to be 2d lieutenant, 1st August, 1838, vice Graham, transferred to the Infantry.

*First Regiment of Artillery.*

Second Lieutenant William E. Aisquith to be first lieutenant, 7 July, 1838, vice Taylor, promoted.

Second Lieutenant James L. Donaldson to be first lieutenant, 9 July, 1838, vice Maynadier, appointed captain of ordnance.

Second Lieutenant William W. Mackall to be first lieutenant, 9 July, 1838, vice Williamson, transferred to the ordnance.

Second Lieutenant Israel Vogdes to be first lieutenant, 9 July, 1838, vice Lee, transferred to the ordnance.

Second Lieutenant Bennett H. Hill to be 1st lieutenant, 9 July, 1838, vice Bailey, appointed professor of chemistry, mineralogy, and geology.

Second Lieutenant William H. French to be 1st lieutenant, 9 July, 1838, vice Walbach, transferred to the ordnance.

Second Lieutenant Joseph Hooker to be 1st lieutenant, 1st November, 1838, vice Watson, resigned.

Brevet Second Lieutenant Irwin McDowell to be second lieutenant, 7 July, 1838, vice Aisquith, promoted.

*Second Regiment of Artillery.*

Brevet Colonel James Bankhead, lieut. colonel of the 4, to be colonel, 16th September, 1838, vice Lindsay, deceased.

First Lieutenant James A. Chambers to be captain, 7 July, 1838, vice Taylor, appointed commissary of subsistence.

First Lieutenant M. M. Clark to be captain, 16th September, 1838, vice Belton, promoted.

Second Lieutenant Robert Allen to be first lieutenant, 7 July, 1838, vice Chambers, promoted.

Second Lieutenant Charles B. Daniels to be first lieutenant, 7 July, 1838, vice Smith, promoted.

Second Lieutenant Edwin W. Morgan to be first lieutenant, 7 July, 1838, vice Mackay, appointed captain in the Corps of Topographical Engineers.

Second Lieutenant William W. Chapman to be first lieutenant, 7 July, 1838, vice Linnard, appointed 1st lieutenant in the Corps of Topographical Engineers.

Second Lieutenant Lewis G. Arnold to be 1st lieutenant, 9 July, 1838, vice Whiteley, transferred to the ordnance.

Second Lieutenant Francis Woodbridge to be first lieutenant, 9 July, 1838, vice Morgan, transferred to the ordnance.

Second Lieutenant Edward D. Townsend to be first lieutenant, 16 September, 1838, vice Clark, promoted.

Brevet Second Lieutenant William F. Barry to be second lieutenant, 7 July, 1838, vice Allen, promoted.

Brevet Second Lieutenant William A. Nichols to be second lieutenant, 7 July, 1838, vice Daniels, promoted.

Brevet Second Lieutenant Leslie Chase to be second lieutenant, 7 July, 1838, vice Morgan, promoted.

*Third Regiment of Artillery.*

First Lieutenant David H. Vinton to be captain, 7 July, 1838, vice Mackay, appointed quartermaster.

First Lieutenant John L'Engle to be captain, 7 July, 1838, vice Lendrum, appointed commissary of subsistence.

First Lieutenant Hezekiah Garner to be captain, 9 July, 1838, vice Lomax, appointed major of ordnance.

Second Lieutenant William Mock to be 1st lieutenant, 7 July, 1838, vice Davidson, promoted.

Second Lieutenant Braxton Bragg to be first lieutenant, 7 July, 1838, vice Vinton, promoted.

Second Lieutenant George Taylor to be first lieutenant, 9 July, 1838, vice Garner, promoted.

Second Lieutenant George C. Rodney to be 1st lieutenant, 9 July, 1838, vice Temple, transferred to the ordnance.

Second Lieutenant Edward J. Steptoe to be 1st lieutenant, 9 July, 1838, vice Talcott, transferred to the ordnance.

Second Lieutenant Randolph Ridgely to be 1st lieutenant, 17 July, 1838, vice Lee, cashiered.

Second Lieutenant Francis O. Wyse to be first lieutenant, 31 July, 1838, vice Simpson, appointed 1st lieutenant in the Corps of Topographical Engineers.

Second Lieutenant Thomas Casey to be first lieutenant, 1st August, 1838, vice Jones, resigned.

Second Lieutenant Buckner Board to be first lieutenant, 1st August, 1838, vice Early, resigned.

Brevet Second Lieutenant Milton A. Haynes to be second lieutenant, 7 July, 1838, vice Mock, promoted.

Brevet Second Lieutenant Rowley S. Jennings to be second lieutenant, 7 July, 1838, vice Bragg, promoted.

#### *Fourth Regiment of Artillery.*

Brevet Colonel Alexander C. W. Fanning, major, to be lieutenant-colonel, 16 September, 1838, vice Bankhead, promoted.

Captain Francis S. Belton of the 2d Artillery to be major, 16th September, 1838, vice Fanning, promoted.

Second Lieutenant James H. Stokes to be first lieutenant, 7 July, 1838, vice Dusenberry, promoted.

Second Lieutenant John P. J. O'Brien to be 1st lieutenant, 7 July, 1838, vice Macomb, appointed 1st lieutenant in the Corps of Topographical Engineers.

Second Lieutenant John W. Phelps to be 1st lieutenant, 9 July, 1838, vice Thornton, appointed captain of ordnance.

Second Lieutenant George C. Thomas to be 1st lieutenant, 6 August, 1838, vice Pickell, resigned.

#### *First Regiment of Infantry.*

First Lieutenant Osborne Cross to be captain, 7 July, 1838, vice Hitchcock, appointed major of the 8 Infantry.

First Lieutenant Joseph H. Lamotte to be captain, 7 July, 1838, vice Gwynne, transferred to the 8 Infantry.

First Lieutenant Enos G. Mitchell to be captain, 7 July, 1838, vice Loomis promoted.

Second Lieutenant Samuel M. Plummer to be 1st lieutenant, 7 July, 1838, vice Cross, promoted.

Second Lieutenant John M. Scott to be first lieutenant, 7 July, 1838, vice Lamotte, promoted.

Second Lieutenant Richard Bennett to be first lieutenant, 7 July, 1838, vice Mitchell, promoted.

Second Lieutenant James McAlister to be 1st lieutenant, 7 July, 1838, vice Ogden, transferred to the 8 Infantry.

Second Lieutenant Alexander H. Steuart to be 1st lieutenant, 11 July, 1838, vice Hill, deceased.

William E. Prince, of Massachusetts, to be 2d lieutenant, 1st August, 1838, vice Plummer, promoted.

Samuel E. Muse, of N. Carolina, to be 2d lieutenant, 1st August, 1838, vice Scott, promoted.

George W. T. Wood, of Pennsylvania, to be 2d lieutenant, 1st August, 1838, vice Bennett, promoted.

Ferdinand Cox, of Pennsylvania, to be 2d lieutenant, 1st August, 1838, vice McAlister, promoted.

Frederick H. Masten, of New York, to be 2d lieutenant, 25 September, 1838, vice Steuart, promoted.

William W. Pew, of Pennsylvania, to be 2d lieutenant, 5 October, 1838, vice Matthews, deceased.

*Second Regiment of Infantry.*

Brevet Major Gustavus Loomis, captain of the 1st Infantry, to be major, 7 July, 1838, vice Clark, appointed lieutenant-colonel of the 8 Infantry.

First Lieutenant Hannibal Day to be captain, 7 July, 1838, vice Staniford, transferred to the 8 Infantry.

First Lieutenant Samuel P. Heintzelman to be captain, 4 November, 1838, vice Hoffman, promoted.

Second Lieutenant Isaae R. D. Burnett to be first lieutenant, 7 July, 1838, vice Day, promoted.

Second Lieutenant Henry W. Wessells to be first lieutenant, 7 July, 1838, vice Hill, transferred to the 8 Infantry.

Second Lieutenant James W. Anderson to be first lieutenant, 4 November, 1838, vice Heintzelman, promoted.

Delozier Davidson, of the Dis. of Col., to be second lieutenant, 31 July, 1838, vice Burnett, promoted.

George C Westcott, of New Jersey, to be second lieutenant, 1st August, 1838, vice Wessells, promoted.

Alexander T. Hoffman, of New York, to be 2d lieutenant, 1st August, 1838, vice Bomford, appointed 1st lieutenant in the 8 Infantry.

Christopher S. Lovell, of South Carolina, to be second lieutenant, 1st August, 1838, vice Johns, appointed first lieutenant in the 8 Infantry.

Evert W. Hardenbergh, of New York, to be 2d lieutenant, 18 September, 1838, vice Harvie, transferred to the 8 Infantry.

Thomas W. Thompson, of South Carolina, to be second lieutenant, 12 November, 1838, vice Anderson, promoted.

*Third Regiment of Infantry.*

Brevet Major Henry Wilson, captain of the 4 Infantry, to be major, 1st November, 1838, vice Young, resigned.

First Lieutenant Edmund B. Alexander to be captain, 7 July, 1838, vice Wright, transferred to the 8 Infantry.

Second Lieutenant Henry Swartwout to be 1st lieutenant, 7 July, 1838, vice Alexander, promoted.

Second Lieutenant George P. Field to be first lieutenant, 7 July, 1838, vice Birdsall, appointed captain in the 8 Infantry.

Second Lieutenant Joseph L. Coburn to be 1st lieutenant, 7 July, 1838, vice Bonnell, appointed captain in the 8 Infantry.

Second Lieutenant Philip N. Barbour to be first lieutenant, 7 July, 1838, vice Montgomery, appointed captain in the 8 Infantry.

Second Lieutenant William S. Henry to be first lieutenant, 7 July, 1838, vice Kello, transterred to the 8 Infantry.

Second Lieutenant Joseph H. Eaton to be 1st lieutenant, 3d September, 1838, vice Cutts, deceased.

James M. Smith, of Mississippi, to be 2d lieutenant, 31st July, 1838, vice Swartwout, promoted.

Jacob Currier, of New Hampshire, to be 2d lieutenant, 31st July, 1838, vice Field, promoted.

William H. Gordon, of Virginia, to be second lieutenant, 31st July, 1838, vice Coburn, promoted.

Daniel T. Chandler, of the Dis. of Col., to be 2d lieutenant, 1st August, 1838, vice Henry, promoted.

Stephen D. Dobbins, of Pennsylvania, to be second lieutenant, 29th September, 1838, vice Smith, appointed 1st lieutenant in the 8 Infantry.

John B. Peyton, of Maryland, to be second lieutenant, 1st October, 1838, vice O'Brien, transferred to the 8 Infantry.

Thomas B. Glen, of Georgia, to be second lieutenant, 15 October, 1838, vice Eaton, promoted.

*Fourth Regiment of Infantry.*

First lieutenant Robert C. Buchanan to be captain, 1st November, 1838, vice Wilson, promoted.

Second lieutenant Henry Prince to be first lieutenant, 7 July, 1838, vice Reeve, appointed 1st lieutenant in the 8 Infantry.

Second lieutenant Stephen T. Tibbatts to be first lieutenant, 1st November, 1838, vice Buchanan, promoted.

John H. Gore, of Maryland, to be second lieutenant, 1st August, 1838, vice Prince, promoted.

Richard E. Cochrane, of Delaware, to be 2d lieutenant, 18 September, 1838, vice Gates, appointed in the 8 Infantry.

Edward G. Elliott, of the District of Columbia, to be second lieutenant, 1st November, 1838, vice Tibbatts, promoted.

*Fifth Regiment of Infantry.*

First Lieutenant Ephraim K. Smith to be captain, 7 July, 1838, vice Hunt, appointed quartermaster.

First Lieutenant Alexander S. Hooe to be captain 7 July, 1838, vice Denny, transferred to the 8 Infantry.

First Lieutenant Edgar M. Lacy to be captain, 1st November, 1838, vice Alexander, deceased.

Second Lieutenant Daniel Ruggles to be 1st lieutenant, 7 July, 1838, vice Smith, promoted.

Second Lieutenant J. Chester Reid to be 1st lieutenant, 7 July, 1838, vice Hooe, promoted.

Second Lieutenant Wm. M. D. McKissack to be 1st lieutenant, 1st October, 1838, Daveiss, resigned.

Second Lieutenant Joseph H. Whipple to be 1st lieutenant, 1st November, 1838, vice Lacy, promoted.

John Darling, late sergeant-major, to be 2d lieutenant, 31st July, 1838, vice Ruggles, promoted.

A. W. Allen, 2d lieut. of the Marines, to be 2d lieutenant, 1st August, 1838, vice Taylor, transferred to the Marine Corps.

Nathan B. Rossell, of N. Jersey, to be second lieutenant, 1st August, 1838, vice Tappan, resigned.

John A. Whitall, of the Dis. of Col., to be 2d lieutenant, 1st August, 1838, vice Sprague, transferred to the 8 Infantry.

George Deas, of Pennsylvania, to be second lieutenant, 1st August, 1838, vice McKissack, promoted.

S. H. Fowler, of Connecticut, to be 2d lieutenant, 12th November, 1838, vice Whipple, promoted.

*Sixth Regiment of Infantry.*

Brevet Major William Hoffman, captain of the 2d Infantry, to be major, 4 November, 1838, vice Glassell, deceased.

First Lieutenant Albemarle Cady to be captain, 7 July, 1838, vice Clark, appointed quartermaster.

First Lieutenant Thomas L. Alexander to be captain, 7 July, 1838, vice Worth, transferred to the 8 Infantry.

Second Lieutenant James Monroe, jr., to be 1st lieutenant, 7 July, 1838, vice Cady, promoted.

Second Lieutenant Charles S. Lovell, late sergeant-major, to be 1st lieutenant, 7 July, 1838, vice Alexander, promoted.

Second Lieutenant William D. Berrien to be first lieutenant, 7 July, 1838, vice Blake, appointed first lieutenant in the Corps of Topographical Engineers.

Second Lieutenant Henry W. Wharton to be 1st lieutenant, 11th August, 1838, vice Conrad, deceased.

Second Lieutenant John C. Fletcher to be first lieutenant, 1st November, 1838, vice Walker, resigned.

Thomas Hendrickson, late sergeant-major, to be second lieutenant, 31st July, 1838, vice Monroe, promoted.

Frederick Van Lieu, of New Jersey, to be 2d lieutenant, 1st August, 1838, vice Lovell, promoted.

Andrew J. Field, of New York, to be second lieutenant, 1st August, 1838, vice Berrien, promoted.

Benjamin C. Edes, of Maryland, to be second lieutenant, 1st August, 1838, vice Scarritt, appointed 2d lieutenant in the Corps of Engineers.

James Belger, late sergeant-major, to be 2d lieutenant, 15th October, 1838, vice Wharton, promoted.

Rensselear W. Foote, of New York, to be second lieutenant, 1st November, 1838, vice Fletcher, promoted.

### *Seventh Regiment of Infantry.*

First Lieutenant Stephen W. Moore to be captain, 7 July, 1838, vice Thomas, appointed quartermaster.

First Lieutenant John P. Davis to be captain, 7 July, 1838, vice Phillips, transferred to the 8 Infantry.

Second Lieutenant Forbes Britton to be first lieutenant, 7 July, 1838, vice Moore, promoted.

Second Lieutenant Alexander Montgomery to be first lieutenant, 7 July, 1838, vice Davis, promoted.

Second Lieutenant Weightman K. Hanson to be first lieutenant, 7 July, 1838, vice McKavett, transferred to the 8 Infantry.

John B. Shepherd, of Kentucky, to be second lieutenant, 1st August, 1838, vice Britton, promoted.

Charles Hanson, of the Dis. of Col., to be 2d lieutenant, 6th September, 1838, vice Montgomery, promoted.

### *Eighth Regiment of Infantry.*

Major Newman S. Clark, of the 2d Infantry, to be lieutenant-colonel, 7 July, 1838, vice Pierce, declined.

Brevet-Major Thomas Staniford, captain of the 2d Infantry, to be captain, to rank from 1st March, 1820, vice Russell, declined.

Captain Joseph A. Philips, of the 7 Infantry, to be captain, to rank from 4 May, 1835.

Captain Richard B. Screven, of the 4 Infantry, to be captain, to rank from 7 July, 1838, vice McCall, declined.

Second Lieutenant James V. Bomford, of the 2d Infantry, to be first lieutenant, to rank from 7 July, 1838, vice Myers, declined.

Second Lieutenant Isaac V. D. Reeve, of the 4th Infantry, to be 1st lieutenant, to rank from 7 July, 1838, vice Daveiss, declined.

Second Lieutenant Larkin Smith, of the 3d Infantry, to be first lieutenant, to rank from 7 July, 1838.

Second Lieutenant John M. Harvie to be 2d lieutenant, 7 July, 1838, vice Whipple, declined.

Arthur T. Lee, of Pennsylvania, to be 2d lieutenant, 8th October, 1838, vice Harvie, promoted.

*Military Academy.*

Jacob W. Bailey, 1st lieutenant of the 1st Regiment of Artillery, to be professor of chemistry, mineralogy, and geology, 5th July, 1838.

*To the Senate of the United States:*

I nominate Benjamin Pomeroy to be surveyor for the port of Stonington, in the State of Connecticut, from the 4th inst., when his commission expired.

M. VAN BUREN.

WASHINGTON, Dec'r 5th, 1838.

*To the Senate of the United States:*

I nominate Samuel Leach to be receiver of public moneys for the district of lands subject to sale at Quincy, in the State of Illinois, vice Thomas Carlin, resigned.

M. VAN BUREN.

WASHINGTON, Dec'r 5th, 1838.

*To the Senate of the United States:*

I nominate William G. Flood to be register of the land office for the district of lands subject to sale at Quincy, in the State of Illinois, vice Samuel Leach, nominated to the office of receiver.

M. VAN BUREN.

WASHINGTON, Dec'r 5th, 1838.

The messages were read.

*Ordered,* That the nominations for promotions and appointments in the Army be referred to the Committee on Military Affairs.

*Ordered,* That the nomination of Benjamin Pomeroy be referred to the Committee on Commerce.

*Ordered,* That the nominations of Samuel Leach and William G. Flood be severally referred to the Committee on Public Lands.

MONDAY, DECEMBER 10, 1838.

The following messages were received from the President of the United States, by Mr. Martin Van Buren, junior, his secretary:

I nominate to the Senate Benjamin F. Butler, of New York, to be attorney of the United States for the southern district of New York, in the place of William M. Price, removed.

M. VAN BUREN.

WASHINGTON, December 10th, 1838.

*To the Senate of the United States:*

I nominate for reappointment the following land officers, whose commissions will expire at the dates respectively annexed to their names, viz:

William Blackburn to be receiver of public moneys for the district of lands subject to sale at Lima, in the State of Ohio, from the 21st of the present month.

Edwin M. Ryland to be receiver of public moneys for the district of lands subject to sale at Lexington, in the State of Missouri, from the 21st of the present month.

Frank I. Allen to be register of the land office for the district of lands subject to sale at Jackson, in the State of Missouri, from the 24th of the present month.

M. VAN BUREN.

WASHINGTON, Dec'r 6th, 1838.

The messages were read.

The Senate, by unanimous consent, proceeded to consider the nomination of Benjamin F. Butler.

On motion by Mr. Wright,

*Resolved*, That the Senate advise and consent to the appointment of Benjamin F. Butler, agreeably to the nomination.

*Ordered*, That the nominations of William Blackburn, Edwin M. Ryland, and Frank I. Allen be referred to the Committee on Public Lands.

TUESDAY, DECEMBER 11, 1838.

Mr. Davis, from the Committee on Commerce, to whom was referred, on the 6th instant, the nomination of Benjamin Pomeroy, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Benjamin Pomeroy, agreeably to the nomination.

The following message was received from the President of the United States, by Mr. Martin Van Buren, jr., his secretary :

*To the Senate of the United States :*

I nominate William Littlefield to be collector of the customs for the district of Newport, in the State of Rhode Island, from the 2d of January, 1839, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, Dec'r 10th, 1838.

The message was read.

*Ordered*, That the nomination of William Littlefield be referred to the Committee on Commerce.

WEDNESDAY, DECEMBER 12, 1838.

The following message was received from the President of the United States, by Mr. Martin Van Buren, jun'r, his secretary :

*To the Senate of the United States : .*

I nominate Isaac McKeever and John P. Zantzinger, now commanders, to be captains in the Navy, from this date, to supply vacancies.

Joel Abbot, now a lieutenant, to be a commander in the Navy, from this date, to supply a vacancy.

Charles W. Pickering, Overton Carr, William B. Ludlow, Luther Stoddard, William M. Walker, and George R. Gray, now passed midshipmen, to be lieutenants in the Navy, from this date, to supply vacancies.

Jonathan M. Foltz, now a passed assistant surgeon, to be a surgeon in the Navy, from this date, to supply a vacancy.

Jared L. Elliott, of the District of Columbia, to be a chaplain in the Navy, from the 13th of July, 1838.

Peter G. Clark, of Connecticut, to be a chaplain in the Navy, from the 3d of October, 1838.

William B. Slack, of New Jersey, to be a second lieutenant in the Marine Corps, to supply a vacancy.

M. VAN BUREN.

WASHINGTON, *December 8th, 1838.*

The message was read.

*Ordered,* That the nominations contained therein be referred to the Committee on Naval Affairs.

MONDAY, DECEMBER 17, 1838.

The following messages were received from the President of the United States, by Mr. Martin Van Buren, jun'r, his secretary :

*To the Senate of the United States:*

I nominate John Hall to be receiver of public moneys for the district of lands subject to sale at Zanesville, in the State of Ohio, from the 21st of the present month, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 12th, 1838.*

*To the Senate of the United States:*

I nominate William G. Hammond to be surveyor for the district and inspector of the revenue for the port of Newport, in the State of Rhode Island, from the 16th of the present month, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 12th, 1838.*

*To the Senate of the United States:*

With the accompanying communication of the Secretary of War, I transmit, for the consideration and constitutional action of the Senate, a treaty concluded with the Miami tribe of Indians on the 6th ultimo. Your attention is invited to that section which reserves a tract of land for the use of certain Indians, and to other reservations contained in the treaty. All such reservations are objectionable but, for the reasons given by the Secretary of War, I submit to your consideration whether the circumstances attending this negotiation, and the great importance of removing the Miamies from the State of Indiana, will warrant a departure in this instance from the salutary rule of excluding all reservations from Indian treaties.

M. VAN BUREN.

WASHINGTON, *December 14th, 1838.*

WAR DEPARTMENT, *December 14th, 1838.*

SIR: I have the honor to lay before you, for submission to the Senate for its action, if approved by you, a treaty with the Miami tribe of Indians concluded on the 6th ultimo. In doing so I beg to call your attention to that section which reserves from the cession made by the Miamies a tract of land supposed to contain ten square miles, and to other reservations according to a schedule appended to the treaty. The commissioner who negotiated this treaty is of [opinion that it could not have been concluded if he had not so far departed from his instructions as to admit these reservations. And it is to be feared that if the rules adopted by the Department in this particular be insisted upon on this occasion, it will very much increase the difficulty, if it does not render it impracticable to acquire this land and remove these Indians—objects of so much importance to the United States and especially to the State of Indiana.

Very respectfully, y'r mo. ob't serv't,

J. R. POINSETT.

TO THE PRESIDENT OF THE UNITED STATES.

The messages were read.

*Ordered*, That the nomination of John Hall be referred to the Committee on Public Lands.

*Ordered*, That the nomination of William G. Hammon be referred to the Committee on Commerce.

The treaty with the Miami tribe of Indians, received with the message of this day, was read, and, by unanimous consent, was read the second time.

*Ordered*, That the message, with the documents and the treaty, be referred to the Committee on Indian Affairs, and printed in confidence for the use of the Senate.

Mr. Preston submitted the following resolution for consideration:

*Resolved*, That the Committee on Military Affairs be instructed to inquire into and report upon the rank assigned to the officers in the Engineer Corps nominated to the Senate on the 7th July, 1838.

SATURDAY, DECEMBER 22, 1838.

The following messages were received from the President of the United States, by Mr. Martin Van Buren, jr., his secretary:

*To the Senate of the United States:*

I nominate the persons named in the list annexed to the accompanying communication of the Secretary of War for appointment in the Corps of Topographical Engineers, the rank of all the appointments as officers of said corps to date and relate back to the 7th of July, 1838, and the relative rank in said corps to be in the order of the original nominations of July last.

M. VAN BUREN.

WASHINGTON, *December 19th, 1838.*

WAR DEPARTMENT, *December 19th, 1838.*

SIR: I have the honor to propose for your approbation the names in the annexed list for the vacancies in the Corps of Topographical Engineers, that the rank of all the officers of the Corps should bear date and relate back to the 7th of last July, and that the relative rank in

said Corps should be in the order of the original nominations of that date.

The action of the Senate upon these nominations having been suspended at the close of the late session on account of some objection to the officers, I transmit herewith a report of the Chief Topographical Engineer, which is accompanied by explanations of the officers themselves.

Very respectfully, y'r mo. obt. serv't,

J. R. POINSETT.

To the PRESIDENT U. STATES.

*Nominations in the Corps of Topographical Engineers.*

Thomas J. Cram to be captain in said Corps.

John McClellan to be captain in said Corps.

Washington Hood to be captain in said Corps.

Thomas J. Lee to be first lieutenant in said Corps.

A. A. Humphreys to be first lieutenant in said Corps.

W. H. Emory to be first lieutenant in said Corps.

Lorenzo Sitgreaves to be second lieutenant in said Corps.

*To the Senate of the United States :*

I nominate Amos B. Eaton, 1st lieutenant of the 2d Regiment of Infantry, for the vacancy in the subsistence department of the Army of commissary of subsistence, with the rank of quartermaster, the date and relation of his rank to be that recommended in the accompanying communication of the Secretary of War.

M. VAN BUREN.

WASHINGTON, December 20th, 1838.

*WAR DEPARTMENT, December 20th, 1838.*

SIR: I have the honor to propose for nomination to the Senate, if you think proper, Amos B. Eaton, first lieutenant of the 2d Regiment of Infantry, to fill the vacancy in the subsistence department of commissary of subsistence, with the rank of quartermaster, and to recommend that his rank refer back to and take effect from the 7th of July last. I fursher recommend that his relative rank be that assigned to him in the nomination list containing his name presented at the late session of Congress.

Very respectfully, y'r mo. ob. serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

*To the Senate of the United States :*

I transmit a communication of the Secretary of War of this date, and recommend for the favorable consideration of the Senate the proposition therein contained, respecting an alteration in the date of rank and in the position given to Christopher S. Lovell as second lieutenant of the Second Regiment of Infantry, in the list of nominations recently presented.

M. VAN BUREN.

WASHINGTON, December 20th, 1838.

WAR DAPARTMENT, *December 20th, 1838.*

SIR: I have the honor to propose for your recommendation to the Senate, if you think proper, an alteration in the date of rank and position assigned to Christopher S. Lovell in the nomination list recently presented to the Senate, so that the date of his rank as second lieutenant of the Second Regiment of Infantry shall be the 31st of July instead of the 1st of August, 1838, and his position be next above Delozier Davidson.

Very respectfully, y'r mo. ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

*To the Senate of the United States:*

I nominate John D. Whiteside to be receiver of public moneys for the district of lands subject to sale at Palestine, in the State of Illinois, from the 31st of the present month, vice Guy W. Smith, resigned.

M. VAN BUREN.

WASHINGTON, *Dec'r 20th, 1838.*

*To the Senate of the United States:*

I nominate Hardy Holmes to be receiver of public moneys for the district of lands subject to sale at Ouachita, in the State of Louisiana, vice Ransom Eastin, resigned.

M. VAN BUREN.

WASHINGTON, *Dec'r 21st, 1838.*

The messages were read.

*Ordered*, That the several nominations for appointments in the Army be referred to the Committee on Military Affairs.

*Ordered*, That the nomination of Hardy Holmes be referred to the Committee on Public Lands.

The Senate, by unanimous consent, proceeded to consider the nomination of John D. Whiteside.

On motion by Mr. Robinson,

*Resolved*, That the Senate advise and consent to the appointment of John D. Whiteside, agreeably to the nomination.

Mr. Benton, from the Committee on Military Affairs, to whom were referred the nominations for promotion and appointment in the Army contained in the message of the 6th instant, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the promotion and appointment of the persons named therein, agreeably to their nominations respectively.

The Senate proceeded to consider the resolutions submitted by Mr. Preston on the 17th instant, and agreed thereto.

*Ordered*, That the message recommending an alteration in the date of rank and position given to Christopher S. Lovell in the list of military nominations received on the 6th instant be referred to the Committee on Military Affairs.

WEDNESDAY, DECEMBER 26, 1838.

The following messages were received from the President of the United States, by Mr. Martin Van Buren, jr., his secretary:

*To the Senate of the United States:*

I nominate William D. Salter, now a commander, to be a captain in the Navy from this date, to supply a vacancy.

Lewis E. Simonds, now a lieutenant, to be a commander in the Navy from this date, to supply a vacancy.

John Weems and Charles S. Ridgely, now passed midshipmen, to be lieutenants in the Navy from this date, to supply vacancies.

M. VAN BUREN.

WASHINGTON, *December 22d, 1838.*

*To the Senate of the United States:*

I nominate to the Senate David W. Offley to be consul of the United States for the post of Smyrna, in Turkey, in the place of David Offley, deceased.

M. VAN BUREN.

WASHINGTON, *December 22d, 1838.*

*To the Senate of the United States:*

I nominate Samuel H. Thompson to be register of the land office for the district of lands subject to sale at Edwardsville, in State of Illinois, from the 7th of January, 1839, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 24th, 1838.*

*To the Senate of the United States:*

I nominate Thomas W. Newman to be register of the land office for the district of lands subject to sale at Washington, in the State of Mississippi, from the 2d day of January, 1839, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *Dec'r 24th, 1838.*

I nominate to the Senate James Dunlop, of Georgetown, in the District of Columbia, to be judge of the criminal court of the District of Columbia, in the place of Thomas F. Mason, deceased.

M. VAN BUREN.

WASHINGTON, *Dec'r 26th, 1838.*

The messages were read.

*Ordered,* That the nominations of officers in the Navy be referred to the Committee on Naval Affairs.

*Ordered.* That the nomination of David W. Offley be referred to the Committee on Commerce.

*Ordered,* That the nominations of Samuel H. Thompson and Thomas W. Newman be referred to the Committee on Public Lands.

*Ordered,* That the nomination of James Dunlop be referred to the Committee on the Judiciary.

Mr. Niles submitted the following resolution for consideration:

*Resolved,* That the Secretary of War be instructed to report to the Senate such information as may be in his Department in relation to the time, causes, and circumstances of the resignation of those officers of the Army who were nominated to the Senate at the last session of Congress for appointments in the Corps of Topographical Engineers, and which nominations were postponed and are now pending before the Senate.

Mr. Benton, from the Committee on Military Affairs, to whom was referred the message of the 22d instant respecting an alteration in the nomination of Christopher S. Lovell reported.

On motion by Mr. Benton,

The Senate proceeded to reconsider the resolution of the 22d inst. confirming the promotions and appointments in the Army, contained in the message of the 6th instant.

Whereupon

On motion by Mr. Benton,

*Resolved*, That the Senate advise and consent to the promotion and appointment of the persons named in the list of military nominations received on the 6th instant, agreeably to the said nominations respectively, with the alteration recommended in the message of the 22d instant respecting the date of rank and position given to Christopher S. Lovell, as second lieutenant in the Second Regiment of Infantry, viz, the date of rank to be 31st of July, 1838, and his position next above Delozier Davidson.

THURSDAY, DECEMBER 27, 1838.

The following messages were received from the President of the United States, by Mr. Martin Van Buren, jr., his secretary :

*To the Senate of the United States :*

I nominate the persons named in the accompanying list for promotion in the Army to the several grades annexed to their names, as proposed by the Secretary of War.

M. VAN BUREN.

WASHINGTON, Dec'r 27th, 1838.

WAR DEPARTMENT, December 26th, 1838.

SIR: I have the honor respectfully to propose for your approbation the annexed list of officers for promotion in the Army of the United States.

Very respectfully, y'r mo. ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

#### PROMOTIONS IN THE ARMY OF THE UNITED STATES.

##### *Corps of Engineers.*

Brevet Colonel Joseph G. Totten, lieutenant-colonel, to be colonel with the brevet rank of brigadier-general, 7th December, 1838, vice Gratiot.

Brevet Lieutenant-Colonel R. E. DeRussy, major, to be lieutenant-colonel, 7th December, 1838, vice Totten, promoted.

Captain C. A. Ogden to be major, 7th December, 1838, vice DeRussy, promoted.

First Lieutenant John Sanders to be captain, 7th December, 1838, vice Ogden, promoted.

Second Lieutenant William H. Wright to be first lieutenant, 7th December, 1838, vice Sanders, promoted.

*To the Senate :*

I transmit a letter from the Secretary of War, accompanied by a communication from the Commissioner of Indian Affairs, on the subject of

granting to the Chickasaw Indians subsistence for the further term of seven months. Should it be the pleasure of the Senate to give its sanction to the measure suggested by the Commissioner for this purpose, my own will not be withheld.

M. VAN BUREN.

WASHINGTON, *December*, 1838.

WAR DEPARTMENT, *December* 26, 1838.

SIR: I have the honor to lay before you a communication from the Commissioner of Indian Affairs relative to a memorial of the chiefs of the Chickasaw nation, asking that subsistence may be supplied to them for the further term of seven months. As this request, to which there seems some propriety in acceding, cannot be granted without using the interest that will be due on the 1st proximo, and a sale of a part of the stocks in which the proceeds of the Chickasaw lands have been invested, and as, by the treaty, the concurrent sanction of the President and Senate is prerequisite to the adoption of either of these measures, the papers are submitted that, if you think proper, they may be presented to that body.

Very respectfully, your most obedient servant,

J. R. POINSETT.

To the PRESIDENT.

WAR DEPARTMENT, OFFICE INDIAN AFFAIRS,

*December* 24, 1838.

SIR: My attention has been called to a letter from Captain William Armstrong, acting superintendent W. T., dated at the Choctaw Agency, on 29th September last, inclosing a copy of a representation from the principal chiefs of the Chickasaw Nation in council, dated 9 September, setting forth a request to be furnished with seven additional months' provisions, commencing on 1 January next. The acting superintendent says, in his letter, the request is signed by the king and principal chiefs.

The treaty made with them on the 20 Oct., 1832, provides (third article) that they shall receive the proceeds of all the land they ceded by it, as sales shall be made from time to time, deducting therefrom the expenses of surveying and selling, and the 10 article stipulates that when they determined to remove, the money necessary for their transportation and journey, and to subsist them for one year after their arrival at their new homes, shall be paid out of the sales of their ceded lands. It is asserted in the 11 article that the Chickasaws have resolved "to create a perpetual fund for the use of the nation forever, out of the proceeds" of the ceded land, and "to invest a large proportion of the money arising from the sale of the land in some safe and valuable stocks, which will bring them in an annual interest or dividend, to be used for all national purposes, leaving the principal untouched, intending to use the interest alone"; and in furtherance of their purpose it is stipulated that the investment shall be equal to at least three-fourths of the net proceeds of the sales of the lands, and "as much more as the nation may determine, if there shall be a surplus, after supplying all the national wants." But if their wants should call for more than one-fourth, they might, with the consent of the President and Senate, use such additional sum as was reasonable, replacing it out of the future sales.

Afterwards, viz, on 24 May, 1834, another treaty was made with them. By the 13 article it is provided (among other things) that so much of

their stocks may be sold, "with the consent of the President and Senate, as shall be adjudged necessary for establishing schools, mills, blacksmiths' shops; and for the education of their children; and for any other needful purpose which their situation may make, and by the President and Senate be considered necessary." There is also a stipulation that the United States shall provide for their safe removal to their future destination, and furnish supplies for their support for one year thereafter, if the Indians shall desire them for so long a period, to be charged to the National Chickasaw account, if their fund shall be found large enough to meet them and other expenses under the treaty.

The 11th article contains a covenant that the interest of the stocks shall be annually paid to the Chickasaws. The 14th article of the second treaty revokes the first so far as they are inconsistent, with the exception of the 12th and 13th articles not material here.

A law was passed on the 20 April, 1836, directing that all moneys raised by the sale of Chickasaw lands "shall be paid into the Treasury of the United States in the same manner that moneys received for the sales of public lands are paid into the public Treasury." The second section directs "that all payments required to be made, and all moneys required to be vested by the said treaty, are hereby appropriated in conformity to it, and shall be drawn from the Treasury, as other public moneys are drawn therefrom, under such instructions as may from time to time be given by the President."

The provisions of both treaties are substantially the same as to the authority for expenditures not provided for in either. It appears to me that the first treaty engagement for an investment, not smaller than three-fourths of their net fund, is still in force. The whole of the Chickasaw sales for the nation (as I am informed at the Treasury where this branch of their business is managed) amount to \$2,478,933 $\frac{9}{100}$ , and (besides investments) there have been expended under the treaties \$421,272 $\frac{5}{100}$ , being less than one-fourth of the whole fund now realized. The 11th article of the treaty of 1832 would, perhaps, warrant the expenditure by the Executive, on the request of the Chickasaws, of any sum not exceeding one-fourth of their whole national money, provided it was not invested; but there is in the Treasury only \$8,185 $\frac{4}{100}$  cents belonging to them, which will be altogether inadequate to the liquidation of balances for the year's subsistence. The 13 article of the last treaty seems to embrace the case, and provides for a sale of stocks to meet such an emergency, with the consent of the President and Senate. Indeed, considering this article and the 11th of the first treaty in connection, I think no extraordinary disposition of their money (by which is meant for purposes out of the treaties) can be made without the consent of the President and Senate.

There will be due to them on 1st January next the semi-annual interest on their investment. That interest, by the 11th article of the treaty of 1834, is made payable annually to them, but with the consent of the President and Senate might receive the direction the Indians desire.

The law of 1836 is not in the way, if the President and Senate think proper to consent to the application of the last six months' interest as required, and to a sale of whatever amount of stocks might be necessary to carry out their wishes, as it provides expressly for such payments as shall be required by, or shall be made in conformity with, the treaty. These persons are not entitled to participate in the gratuity of \$150,000 provided for indigent Indians by the law of 7th July last.

The investments for orphans and incompetent Chickasaws are not noticed, because not applicable to any national purpose.

There are 4,600 of these Indians west of the Mississippi, whose annual treaty subsistence will expire on 1st January next. It is estimated that it will require \$19,320 per month to support them, making for seven months an aggregate of \$135,240.

I respectfully submit this matter to you for your consideration, and, if you think proper, that it may receive such direction as is necessary to procure the consent of the President and Senate to the proposed measures.

Very respectfully, your mo. ob't servant,

T. HARTLEY CRAWFORD.

Hon. J. R. POINSETT,

*Secretary of War.*

P. S.—I send herewith copies of the memorial of the Chickasaws and of the letter of the superintendent accompanying it.

T. H. C.

[Copy.]

BUSHY CREEK, *September 9th, 1838.*

We, the undersigned, chiefs and head men of the Chickasaws, have met in council to take into view the propriety of receiving more provisions.

We would respectfully represent to our great Father, the President of the United States, that since our emigration we have suffered severely by sickness, many of our people have died, and the general drought through the Indian country has been particularly felt through ours. For these reasons, together with the fact that many of our people arrived too late to make a crop, makes it our duty to apply for further subsistence. We believe that if seven months' provisions is issued to us, commencing on the 1st January, we should be able from our next crop to provide for ourselves. As we have been furnished with beef, we wish to receive about an equal proportion of pork and stock hogs for the seven months' meat rations. Our situation so obviously requires further subsistence that we deem it unnecessary to say more.

Signed JAMES COLBERT.

ISAAC ALBERSON, his x mark.

STONE LOVE.

MA-PO LA-TUBBY, his x mark.

GREENWOOD, his x mark.

MO-O-BO-TUBBY, his x mark.

SHOP-PO-WAY, his x mark.

AH-TICK-IN-TUBBY, his x mark.

BAR-ME-AR-TUBBY, his x mark.

I-YO-CO-MO-TUBBY, his x mark.

ISH-PI-AH-TUBBY, his x mark.

YA-ME-TUBBY, his x mark.

HE-HO-TO-PHA (king), his x mark.

GEORGE COLBERT, his x mark.

JAMES PERRY, his x mark.

CHOCTAW AGENCY, *September 29th, 1838.*

SIR: Since I had the honor to address you on the 28th inst., I have received from the Chickasaws the enclosed petition for further supply of provisions. The petition is signed by the principal chiefs, four of the commissioners, Ish-to-ho-pah (the king), George Colbert, Isaac

Alberson, and James Colbert, in the place of Levi Colbert, deceased. It is the undivided wish of the nation to receive provisions, and the only objection with some is, that the time is not long enough.

Feeble as I am, I have determined to try and attend to the Choctaw general council, 2d October.

The Rev'd Mr. McCoy is here, and will accompany me when the bill for the Territorial government will be laid before the council.

Respectfully, y'r mo. ob't serv't,

WM. ARMSTRONG,  
*Act. Sup't, W. T.*

C. A. HARRIS, Esq.,  
*Comm'r of Indian Affairs.*

The messages were read.

*Ordered*, That the nominations for promotion in the Army be referred to the Committee on Military Affairs.

*Ordered*, That the message on the subject of granting subsistence for a further term of seven months to the Chickasaw Indians be referred to the Committee on Indian Affairs.

Mr. Wall, from the Committee on the Judiciary, to whom was referred, on the 26th instant, the nomination of James Dunlop, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of James Dunlop, agreeably to the nomination.

Mr. Walker, from the Committee on Public Lands, to whom were referred, on the 10th, 17th, 22d, and 26th instant, the nominations of William Blackburn, Edwin M. Ryland, Frank I. Allen, John Hall, Hardy Holmes, Samuel H. Thompson, and Thomas W. Newman, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of said persons, agreeably to their nominations respectively.

Mr. Clay, of Kentucky, presented the memorial of David Melvill, of Newport, Rhode Island, late a weigher and gauger employed in the customs at that place, protesting against the reappointment of William Littlefield as collector of the customs for the district of Newport, whose nomination is now before the Senate.

On motion by Mr. Clay,

*Ordered*, That the said memorial, with the documents accompanying the same, be referred to the Committee on Commerce.

The Senate proceeded to consider the resolution submitted by Mr. Niles on the 26th instant, and agreed thereto.

## FRIDAY, DECEMBER 28, 1838.

Mr. Tipton, from the Committee on Indian Affairs, to whom was referred, on the 17th instant, the treaty with the Miami tribe of Indians, reported the same without amendment.

## MONDAY, DECEMBER 31, 1838.

The following message was received from the President of the United States, by Mr. Martin Van Buren, jr., his secretary:

*To the Senate of the United States:*

I nominate William H. A. Merchant to be surveyor and inspector of the revenue for the port of Dumfries, in the State of Virginia, vice James B. C. Thornton, resigned.

M. VAN BUREN.

WASHINGTON, Dec'r 29th, 1838.

The message was read.

*Ordered*, That the nomination contained therein be referred to the Committee on Commerce.

Mr. King, from the Committee on Commerce, to whom was referred, on the 26th instant, the nomination of David W. Offley, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of David W. Offley, agreeably to the nomination.

Mr. Preston, from the Committee on Military Affairs, to whom was referred the resolution submitted on the 17th instant, reported the following resolutions:

*Resolved*, That the military officers nominated to the Senate on the 7th day of July, 1838, some of whom were confirmed on that day and others subsequently, shall be taken and considered as having been confirmed on the same day.

*Resolved*, That in all cases, unless otherwise specially ordered, when the Senate confirms nominations made in the same message by the President, such confirmations whether made on the same day or not, shall be deemed and considered as of the same day.

TUESDAY, JANUARY 8, 1839.

The following messages were received from the President of the United States, by Mr. Martin Van Buren, jr., his secretary :

*To the Senate of the United States:*

I nominate the persons named in the accompanying list for promotion and appointment in the Army to the several grades annexed to their names, as proposed by the Secretary of War.

M. VAN BUREN.

WASHINGTON, 28th December, 1838.

WAR DEPARTMENT, 28th December, 1838.

SIR: I have the honor respectfully to propose for your approbation the annexed list of officers for regular promotion, and persons for appointment in the Army of the United States.

I am, sir, with great respect, your ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

ADJUTANT-GENERAL'S OFFICE.

Washington, 28th December, 1838.

PROMOTIONS AND APPOINTMENTS IN THE ARMY OF THE UNITED STATES.

*Quartermaster's Department.*

Dixon S. Miles, captain in the 7th Regiment of Infantry, to be assistant quartermaster, with rank of captain, vice Chambers, deceased.

*Second Regiment of Dragoons.*

First Lieutenant Marshall S. Howe to be captain, 1st January, 1839, vice Tompkins, resigned.

Second Lieutenant Lawrence P. Graham to be first lieutenant, 1st January, 1839, vice Howe, promoted.

*Second Regiment of Artillery.*

First Lieutenant John B. Grayson to be captain, 11th December, 1838, vice Chambers, deceased.

Second Lieutenant Henry C. Pratt to be first lieutenant, 11th December, 1838, vice Grayson, promoted.

*Second Regiment of Infantry.*

Julius Hayden, of Florida, to be second lieutenant, vice Thompson, transferred to the Second Dragoons.

R. JONES,  
*Adj't Gen'l.*

*To the Senate of the United States:*

I nominate Edward Pescud to be surveyor and inspector of the revenue for the port of Petersburg and City Point, in the State of Virginia, from the 12th day of the present month, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, Jan'y 4, 1839.

*To the Senate of the United States:*

I hereby nominate Charles Mapes, esq., for reappointment as paymaster in the Army of the United States, to take effect from and after the 7th instant, as suggested in the accompanying letter of the Secretary of War.

M. VAN BUREN.

WASHINGTON, 5th January, 1839.

WAR DEPARTMENT, *January 5th, 1839.*

SIR: I have the honor to propose for nomination to the Senate, if you think proper, Charles Mapes, esq., for reappointment as paymaster in the Army of the United States from and after the 7th instant, the period when his present term of office will expire.

Very respectfully, your mo. ob't serv't,

J. R. POINSETT.

*To the PRESIDENT OF THE UNITED STATES.*

I nominate to the Senate Israel Hamilton, of Ohio, to be attorney of the United States for the district of Ohio, in the place of Noah H. Swayne, whose commission has expired.

M. VAN BUREN.

WASHINGTON, *January 7th, 1839.*

*To the Senate of the United States:*

Commissions having been granted during the recess of the Senate of the following persons for the offices respectively annexed to their names, I nominate them to the same, viz:

Nathaniel B. Hancock surveyor and inspector of the revenue for the post of Swansborough, in the State of North Carolina, vice J. E. S. Duffy, resigned.

Samuel S. Downs collector of the customs for the district of Little Egg Harbor and inspector of the revenue for the port of Tuckerton, in the State of New Jersey, vice George W. Tucker, resigned.

M. VAN BUREN.

WASHINGTON, *January 8th, 1839.*

*To the Senate of the United States:*

A commission having been granted during the recess of the Senate to David Fulton as surveyor-general for the State of Arkansas, vice Edward Cross, resigned, I now nominate him to the same.

M. VAN BUREN.

WASHINGTON, Jan'y 8th, 1839.

*To the Senate of the United States:*

Commissions having been granted during the recess of the Senate to the following persons for the offices respectively annexed to their names, I now nominate them to the same, viz:

John Bartow register of the land office for the district of lands subject to sale at Genesee, in the State of Michigan, vice Michael Hoffman, resigned.

Henry Washington receiver of public moneys for the district of lands subject to sale at Tallahassee, in the Territory of Florida, vice Matthew I. Allen, removed.

John P. Campbell receiver of public moneys for the district of lands subject to sale at Springfield, in the State of Missouri, vice Robert T. Brown, declined the appointment.

M. VAN BUREN.

WASHINGTON, Jan'y 8th, 1838.

*To the Senate of the United States:*

A commission having been granted during the recess of the Senate to William M. Anderson as surveyor-general of the Virginia military land district in Ohio, vice Allen Latham, resigned, I now nominate him to the same.

M. VAN BUREN.

WASHINGTON, Jan'y 8th, 1839.

The messages were read.

The Senate, by unanimous consent, proceeded to consider the nomination of David Fulton.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of David Fulton, agreeably to the nomination.

*Ordered*, That the nominations for appointments in the Army be referred to the Committee on Military Affairs.

*Ordered*, That the nominations of Edward Pescud, Nathaniel B. Hancock, and Samuel S. Downs be referred to the Committee on Commerce.

*Ordered*, That the nomination of Israel Hamilton be referred to the Committee on the Judiciary.

*Ordered*, That the nominations of John Bartow, Henry Washington, John P. Campbell, and William M. Anderson be referred to the Committee on Public Lands.

The Vice-President communicated a report from the Secretary of War in relation to the resignation of certain officers of the Army, made in compliance with the resolution of the Senate submitted on the 26th and adopted on the 27th of December last.

Mr. Benton, from the Committee on Military Affairs, to whom were referred the nominations for appointments in the Corps of Topographical Engineers contained in the message received on the 22d of December last, reported.

Mr. Buchanan presented a letter from J. R. Irwin, a captain in the Army, on the subject of said nominations.

Mr. Pierce presented a letter from John Munroe, a captain in the Army, on the same subject.

*Ordered*, That the report received this day from the Secretary of War, the said message of the 22d of December last, with the documents accompanying the same, and the two letters presented this day be printed in confidence for the use of the Senate.

Mr. King, from the Committee on Commerce, to whom were referred, on the 11th and 17th of December last, the nominations of William Littlefield and William G. Hammond, and to whom was also referred, on the 27th of that month, the memorial of David Melville protesting against the reappointment of the said William Littlefield, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said William Littlefield and William G. Hammond, agreeably to their nominations respectively.

Mr. Walker, from the Committee on Public Lands, to whom were referred, on the 6th of December last, the nominations of Samuel Leach and William G. Flood, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Samuel Leach and William G. Flood, agreeably to their nominations respectively.

## WEDNESDAY, JANUARY 16, 1839.

The following messages were received from the President of the United States, by Mr. Martin Van Buren, junior, his secretary:

*To the Senate of the United States:*

I nominate Joseph S. Murphy to be surveyor for the district and inspector of the revenue for the port of Wilmington, in the State of North Carolina, vice Archibald M. Hooper, resigned.

M. VAN BUREN.

WASHINGTON, Jan'y 9th, 1839.

I nominate to the Senate Richard S. Briscoe to be a justice of the peace for the county of Washington, in the District of Columbia, his commission having expired on the thirtieth day of November last.

M. VAN BUREN.

WASHINGTON, Jan'y 10th, 1839.

*To the Senate of the United States:*

I nominate Isaac O. Barnes to be naval officer for the district of Boston and Charlestown, in the State of Massachusetts, from the 27th day of February next, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, Jan'y 10th, 1839.

I nominate to the Senate John I. Mumford, of New York, to be consul of the United States for the port of Malaga, in Spain, in the place of George G. Barrell, deceased.

M. VAN BUREN.

WASHINGTON, January 11th, 1839.

I withdraw the nomination to the Senate of John I. Mumford for the appointment of consul of the United States for the port of Malaga, in Spain, in the place of George G. Barrell, deceased, and nominate George Read, now of the port of Malaga, to supply said vacancy.

M. VAN BUREN.

WASHINGTON, *January* —, 1839.

The messages were read.

*Ordered*, That the nominations of Joseph S. Murphy, Isaac O. Barnes, and George Read be severally referred to the Committee on Commerce.

*Ordered*, That the nomination of Richard S. Briscoe be referred to the Committee on the District of Columbia.

On motion by Mr. Tipton,

The Senate, as in Committee of the Whole, proceeded to consider the treaty with the Miami Indians, reported on the 28th of December last; and no amendment having been made thereto, it was reported to the Senate; and

After debate,

On motion by Mr. Pierce,

*Ordered*, That the said treaty be laid on the table.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 28th of December last, and the 8th instant, the nominations for promotion and appointment in the Army, reported them severally to the Senate with an amendment to that of Joseph G. Totten.

Whereupon

*Resolved*, That the Senate advise and consent to the promotion of R. E. De Russy, C. A. Ogden, John Sanders, William H. Wright, Marshall S. Howe, Lawrence P. Graham, John B. Grayson, and Henry C. Pratt; to the appointment of Dixon S. Miles and Julius Hayden, and the re-appointment of Charles Mapes, agreeably to their nominations respectively.

On motion by Mr. Benton,

*Resolved*, That the Senate advise and consent to the appointment of Brevet Colonel Joseph G. Totten, lieutenant-colonel, to be colonel in the Corps of Engineers from the 7th December, 1838, vice Gratiot; but do not advise and consent to his having brevet rank of brigadier-general.

Mr. King, from the Committee on Commerce, to whom were referred, on the 31st of December last, and the 8th instant, the nominations of William H. A. Merchant, Edward Pescud, and Samuel S. Downs, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

FRIDAY, JANUARY 18, 1839.

The following messages were received from the President of the United States, by Mr. Martin Van Buren, junior, his secretary:

*To the Senate of the United States:*

I recommend the alterations in the dates of appointment of the following officers of the Ordnance Corps, agreeably to the recommendation in the accompanying letter from the Secretary of War:

Major R. L. Baker to take rank as major from the 6th of July, 1838.

Major M. P. Lomax to take rank as major from the 7th of July, 1838.  
 Major J. W. Ripley to take rank as major from the 7th of July, 1838.

M. VAN BUREN.

WASHINGTON, *January 17th, 1839.*

WAR DEPARTMENT, *January 17th, 1839.*

SIR: I have the honor to propose and recommend for your approbation the following alterations in the dates of the commissions of the three majors of ordnance herein named, and that the relative rank of said officers in the ordnance should be in the following order, viz:

Major R. L. Baker to rank from July 6th, 1838.

Major M. P. Lomax to rank from July 7th, 1838.

Major J. W. Ripley to rank from July 7th, 1838.

Major Baker was the senior captain of ordnance and entitled to the first promotion in his own corps, and Major Lomax was the senior captain of artillery and entitled to the first promotion in his corps.

Were Baker and Lomax both to rank as majors from the same date, the latter would take precedence of the former, because, in the artillery, (his own proper arm), Lomax's commission of captain was older than Baker's captaincy of ordnance.

A change in the date of Lomax's commission of major from the 9th to the 7th of July would produce this effect. It would be giving to Lomax the choice of promotion in two corps, his own and the ordnance, to the great prejudice of the rank of Baker, the senior captain of ordnance. Besides, such an arrangement would conflict with the regulation governing transfers of officers, which provides that "in no case will an officer of one regiment be put into another where the transfer would prejudice the rank of any officer of either regiment." By this regulation of the Army, which is a fixed rule of the service, Major Baker must necessarily take precedence of Major Lomax, and whether Major Baker be considered as filling the vacancy occasioned by Major Worth's promotion on the 7th July, or, as holding one of the majorities created by the act of July 5th, by the regulation heretofore referred to and by the usage and principles of the service, Major Baker, as senior captain of ordnance, must take rank of every other officer of similar grade coming by transfer or otherwise into his own corps. And this rule would be violated were Major Lomax to rank from the same date as Major Baker, and Major Baker's interest would be injuriously and unjustly affected. If, therefore, the date of the commission of Major Lomax were to be changed to the 7th July, it would be necessary to change the date of Baker's commission to the 6th July in order to secure to the latter officer the seniority to which by law and regulation he is fully entitled.

Very respectfully, your mo. ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

I nominate to the Senate Thomas R. Hampton to be a justice of the peace for the county of Washington, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, *January 17th, 1839.*

The messages were read.

On motion by Mr. Hubbard,

*Ordered*, That the message recommending an alteration in the rank of the officers therein named be referred to the Committee on Military Affairs, and printed in confidence for the use of the Senate.

*Ordered*, That the nomination of Thomas R. Hampton be referred to the Committee on the District of Columbia.

Mr. Benton, from the Committee on Military Affairs, to whom was referred, on the 22d of December last, the nomination of Amos B. Eaton, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Amos B. Eaton, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom were referred, on the 8th and 16th instant, the nominations of Nathaniel B. Hancock, Joseph S. Murphy, Isaac O. Barnes, and George Read, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Roane, from the Committee on the District of Columbia, to whom was referred, on the 16th instant, the nomination of Richard S. Briscoe, reported.

Whereupon

*Resolved*, That the Senate advise and consent to his appointment, agreeably to the nomination.

MONDAY, JANUARY 21, 1839.

The following messages were received from the President of the United States, by Mr. Martin Van Buren, junior, his secretary :

*To the Senate of the United States:*

I transmit herewith to the Senate, for their consideration in reference to its ratification, a treaty of commerce and navigation between the United States of America and His Majesty the King of the Netherlands, signed at this place, on the 19th instant, by the Secretary of State and the chargé d'affaires of the Netherlands in the United States.

M. VAN BUREN.

WASHINGTON, 21st January, 1839.

*To the Senate of the United States:*

I transmit, for the consideration of the Senate with a view to its ratification, a convention for the adjustment of claims of citizens of the United States upon the Government of the Mexican Republic, concluded and signed in this city, on the tenth of September last, by John Forsyth, Secretary of State of the United States, and Francisco Pizarro Martinez, envoy extraordinary and minister plenipotentiary of the Mexican Republic, on the part of their respective Governments.

M. VAN BUREN.

WASHINGTON, 21st January, 1839.

The messages were read.

The treaty with His Majesty the King of the Netherlands and the convention with the Mexican Republic were read, and, by unanimous consent, were severally read the second time.

*Ordered*, That the said messages, treaty, and convention be severally referred to the Committee on Foreign Relations, and printed in confidence for the use of the Senate.

Mr. Tipton presented the petition of Robert Grignon, praying that the provision which was intended for him by the treaty between the United States of America and the Menomonie Nation of Indians, con-

cluded at Cedar Point, on the Fox River, near Green Bay, in the Territory of Wisconsin, on the 3d day of September, 1836, and which provision was stricken from the said treaty by the resolution of ratification of the Senate of the 10th of February, 1837, may now be restored, and that the sum of twenty thousand dollars may be paid to him accordingly.

*Ordered*, That said petition be referred to the Committee on Indian Affairs.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, on the 22d December last, the nominations of T. J. Cram, J. McClellan, W. Hood, T. J. Lee, A. A. Humphreys, W. H. Emory, and Lorenzo Sitgreaves, reported.

On motion by Mr. Pierce,

The Senate proceeded to consider the nomination of W. H. Emory; and,

After debate,

*Resolved*, That the Senate advise and consent to the appointment of W. H. Emory, agreeably to the nomination.

The Senate then proceeded to consider the nomination of T. J. Cram; and,

After debate,

On motion by Mr. King,

*Ordered*, That the said nomination, with the others reported this day from the Committee on Military Affairs and not acted on, be severally laid on the table.

Mr. Lyon presented a letter from R. Jones, Adjutant General, to Major-General A. Macomb, commanding in chief, in relation to the officers and citizens nominated by the President on the 7th July, 1838, for the Corps of Topographical Engineers, with a list of said officers who had previously belonged to the Army, and the circumstances attending their respective resignations.

*Ordered*, That the said letter and list be printed in confidence for the use of the Senate.

Mr. Walker, from the Committee on Public Lands, to whom were referred, on the 8th instant, the nominations of John Bartow, Henry Washington, John P. Campbell, and William M. Anderson, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

## TUESDAY, JANUARY 22, 1839.

On motion by Mr. Smith, of Indiana,

The Senate resumed the consideration of the treaty with the Miami Indians.

Mr. Tipton submitted the following resolution:

*Resolved (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the treaty made and concluded at the Forks of the Wabash, in the State of Indiana, between the United States of America, by her commissioner, Abel C. Pepper, and the Miami tribe of Indians, on the 6th day of November, in the year of our Lord 1838.

On the question to agree thereto,

|                                    |   |           |       |    |
|------------------------------------|---|-----------|-------|----|
| It was determined in the negative, | { | Yea.....  | ..... | 18 |
|                                    |   | Nays..... | ..... | 15 |

Those who voted in the affirmative are,

Messrs. Allen, Benton, Calhoun, Clay of Alabama, Cuthbert, Foster, Fulton, Knight, Linn, Lumpkin, Lyon, Robinson, Smith of Indiana, Swift, Tipton, Walker, White, Wright.

Those who voted in the negative are,

Messrs. Bayard, Davis, Hubbard, King, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Strange, Wall, Williams of Maine, Williams of Mississippi, Young.

So it was determined (two-thirds of the Senators present not concurring in the resolution) that the Senate do not advise and consent to the ratification of the said treaty.

On motion by Mr. Young (who voted in the negative) that the said vote be reconsidered,

On motion by Mr. King,

*Ordered*, That the said motion be laid on the table.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary :

*To the Senate of the United States:*

I transmit a treaty negotiated with the New York Indians, which was submitted to your body in June last and amended.

The amendments have, in pursuance of the requirement of the Senate, been submitted to each of the tribes assembled in council, for their free and voluntary assent or dissent thereto. In respect to all the tribes, except the Senecas, the result of this application has been entirely satisfactory. It will be seen by the accompanying papers that of this tribe, the most important of those concerned, the assent of only 42 out of 81 chiefs has been obtained. I deem it advisable, under these circumstances, to submit the treaty in its modified form to the Senate for its advice in regard of the sufficiency of the assent of the Senecas to the amendments proposed.

M. VAN BUREN.

WASHINGTON, 21st January, 1839.

*To the Senate of the United States:*

I nominate Douglass W. Sloane to be receiver of public moneys for the district of lands subject to sale at Jeffersonville, in the State of Indiana, vice James G. Reed, whose commission will expire on the 21st of February, 1839.

M. VAN BUREN.

WASHINGTON, Jan'y 18th, 1839.

*To the Senate of the United States:*

James Turney having been commissioned during the recess of the Senate register of the land office for the district of lands subject to sale at Galena, in the State of Illinois, vice Henry B. Truett, resigned, I now nominate him to the same.

M. VAN BUREN.

WASHINGTON, Jan'y 21st, 1839.

*To the Senate of the United States:*

I nominate John P. Trott to be collector of the customs for the district of New London, in the State of Connecticut, vice Ingoldsby W. Crawford, whose commission will expire on the first of February, 1839.

M. VAN BUREN.

WASHINGTON, Jan'y 21st, 1839.

The messages were read.

On motion by Mr. White,

*Ordered*, That the message transmitting the treaty with the New York Indians, with the treaty and the documents accompanying the same, be referred to the Committee on Indian Affairs, and printed in confidence for the use of the Senate.

*Ordered*, That the nominations of Douglass W. Sloane and James Turney be severally referred to the Committee on Public Lands.

*Ordered*, That the nomination of John P. Trott be referred to the Committee on Commerce.

### WEDNESDAY, JANUARY 23, 1839.

On motion by Mr. Smith, of Indiana,

The Senate resumed the consideration of the motion submitted by Mr. Young on the 22d instant, to reconsider the vote on the resolution to ratify the treaty with the Miami Indians, and agreed thereto.

After debate,

The question was again stated, Will the Senate agree to the said resolution?

|                                       |   |                        |    |
|---------------------------------------|---|------------------------|----|
| It was determined in the affirmative, | { | Yea <sup>s</sup> ..... | 33 |
|                                       |   | Nay <sup>s</sup> ..... | 5  |

Those who voted in the affirmative are,

Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Clay of Kentucky, Cuthbert, Davis, Foster, Fulton, Hubbard, Knight, Linn, Lumpkin, Lyon, Niles, Norvell, Prentiss, Preston, Robbins, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, White, Wright, Young.

Those who voted in the negative are,

Messrs. King, Mouton, Nicholas, Strange, Williams of Mississippi.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

Mr. Robbins presented a letter from R. B. Hancock, stating that deception and fraud had been used in obtaining the assent of the chiefs to the treaty with the New York Indians, as amended by the resolution of the Senate of the 11th June, 1838.

*Ordered*, That the said letter be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

The following message was received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

*To the Senate of the United States:*

For the reasons assigned by the Secretary of War in the accompanying communication, I renominate Lieutenant Amos B. Eaton as a commissary of subsistence with the rank of assistant quartermaster.

M. VAN BUREN.

WASHINGTON, January 23d, 1839.

WAR DEPARTMENT, January 23d, 1839.

SIR: By a clerical error, probably originating in this Department, the Senate has confirmed your nomination of Lieutenant Eaton to be commissary of subsistence with the rank of quartermaster. As it was not intended to bestow this grade upon Lieutenant Eaton, and as it would be contrary to law to do so, I beg that you will be pleased to send a message to the Senate asking that their resolution may be

amended and Lieutenant Eaton appointed a commissary of subsistence with the rank of assistant quartermaster.

Very respectfully, your mo. ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

The messages was read.

The Senate, by unanimous consent, proceeded to consider the said message.

On motion by Mr. Benton,

*Resolved*, That the Senate advise and consent to the appointment of Amos B. Eaton, agreeably to the nomination as corrected by the message of this day.

On motion by Mr. Benton,

The Senate resumed the consideration of the message of the 22d of December last, nominating Thomas J. Cram and others.

The question was stated, Will the Senate advise and consent to the appointment of Thomas J. Cram, agreeably to the nomination ?

And,

After debate,

|                                       |                  |    |
|---------------------------------------|------------------|----|
| It was determined in the affirmative, | { Yeas . . . . . | 26 |
|                                       | { Nays . . . . . | 6  |

On motion by Mr. Benton,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Allen, Bayard, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, McKean, Mouton, Nicholas, Niles, Norve I, Pierce, Preston, Roane, Seiver, Smith of Connecticut, Tallmadge, White, Williams of Mississippi, Wright.

Those who voted in the negative are,

Messrs. Robinson, Smith of Indiana, Southard, Strange, Swift, Tipton.

So it was

*Resolved*, That the Senate advise and consent to the appointment of Thomas J. Cram, agreeably to the nomination.

THURSDAY, JANUARY 24, 1839.

Mr. Wall, from the Committee on the Judiciary, to whom was referred, on the 8th instant, the nomination of Israel Hamilton, reported.

On motion by Mr. Benton,

The Senate resumed the consideration of the message of the 22d of December last, nominating Thomas J. Cram and others.

The question was stated, Will the Senate advise and consent to the appointment of John McClellan, agreeably to the nomination ??

And,

After debate,

*Resolved*, That the Senate advise and consent to the appointment of John McClellan, agreeably to the nomination.

The Senate then proceeded to consider the nomination of Washington Hood; and,

After debate,

On motion by Mr. Lyon,

*Ordered*, That when the question be taken on the nomination of Washington Hood it shall be by yeas and nays.

On motion by Mr. Buchanan,

The Senate adjourned.

MONDAY, JANUARY 28, 1839.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

*To the Senate of the United States:*

I transmit herewith to the Senate, for their consideration in reference to its ratification, a treaty of commerce and navigation between the United States of America and His Majesty the King of Sardinia, signed at Genoa on the 26th of November last by the plenipotentiaries of the contracting parties.

M. VAN BUREN.

WASHINGTON, 24th January, 1839.

*To the Senate of the United States:*

I lay before you for your consideration a treaty concluded with the Omaha, Ioway, and Otoe tribes of Indians, and sanctioned by the Yanc-ton and Santie bands of Sioux, by which a tract of land situated on the south side of the Missouri between the Great and Little Nemahaw Rivers has been ceded to the United States.

It appears that the consent of the half-breeds of the above-mentioned tribes and bands is wanting to perfect the treaty. This tract of land was ceded by the treaty of 15th July, 1830, to them by the above-mentioned tribes and bands of Indians, and cannot be taken from them even for such a valuable consideration as will relieve their wants without their assent. In order to avoid unnecessary delay, I submit it to your consideration in order to receive an expression of your opinion as to the manner of obtaining the assent of the minors, whereby all unnecessary delay in the final action upon the treaty will be avoided.

M. VAN BUREN.

WASHINGTON, January 26th, 1839.

I nominate to the Senate Nicholas Snyder to be marshal of the United States for the district of Maryland from the 23d day of February next, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, January 25th, 1839.

I nominate to the Senate John R. Conway, of the State of Arkansas, to be surveyor for making the boundary between the United States and the Republic of Texas.

M. VAN BUREN.

WASHINGTON, January 26th, 1839.

I nominate to the Senate John I. Clendennen, of the State of Arkansas, to be commissioner for marking the boundary between the United States and the Republic of Texas.

M. VAN BUREN.

WASHINGTON, January 26th, 1839.

I nominate to the Senate John H. Overton, of the State of Louisiana, to be clerk to the commissioner for marking the boundary between the United States and the Republic of Texas.

M. VAN BUREN.

WASHINGTON, January 26th, 1839.

I nominate to the Senate Gerhard W. Abeken to be consul for the port of Emden, in the Kingdom of Hanover.

Stephen Powers, of New York, to be consul for Basle, in Switzerland.

Richard I. Offley, of Pennsylvania, to be consul for Mayaguez, in the island of Porto Rico, in the place of George Latimer, resigned.

Felix H. Suan, of South Carolina, to be consul for the Island of Guadeloupe, in the place of Peter Suan, deceased.

Nathan Haley to be consul for Nantes, in France, in the place of Francis C. Fenwick, resigned.

John G. Flugel to be consul for Leipsic, in the Kingdom of Saxony, in the place of Frederick List, resigned.

Young I. Porter, of Mississippi, to be consul for the port of Brazoria, in the Republic of Texas, in the place of John A. Parker, resigned.

Thomas W. Robeson, of Delaware, to be consul for Santa Martha, in the Republic of New Grenada, in the place of Alexander Danouille, resigned.

James R. Clendon to be consul for "the Bay of Islands," in New Zealand.

Philemon S. Parker to be consul for Bombay, in the East Indies.

The persons above mentioned having all been appointed during the recess to the consulates for which they are herein respectively nominated.

M. VAN BUREN.

WASHINGTON, *January 26th, 1839.*

I nominate to the Senate Andrew G. Miller, of Pennsylvania, to be associate judge of the supreme court in and for the Territory of Wisconsin, in the place of William C. Frazer, deceased.

William C. Scott to be attorney of the United States for the district of Arkansas, in the place of Samuel S. Hall, resigned.

P. S. Loughborough, of Kentucky, to be attorney of the United States for the district of Kentucky, in the place of Lewis Sanders, resigned.

Henry W. McCorry, of Tennessee, to be attorney of the United States for the district court of the United States established in the western district of Tennessee, for the counties of Benton, Carroll, Henry, Abion, Dyer, Gibson, Lauderdale, Haywood, Tipton, Shelby, Fayette, Hardeman, McNairy, Hardin, and Perry, in the place of Joseph H. Talbot, resigned.

Isaac Van Allen, of Iowa, to be attorney of the United States for the district of Iowa, in the place of Cyrus S. Jacobs, resigned.

William I. Davis, of Georgia, to be marshal of the United States for the district of Georgia, in the place of Bolling H. Robinson, resigned.

The persons above mentioned having all been appointed, to the offices for which they are herein respectively nominated, during the recess.

M. VAN BUREN.

WASHINGTON, *January 26th, 1839.*

I nominate to the Senate Samuel Stettinius to be justice of the peace for the county of Washington, in the District of Columbia, from the 24th day of April next, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *January 28th, 1839.*

I nominate to the Senate T. Hartley Crawford to be Commissioner of Indian Affairs, in the place of C. A. Harris, resigned.

M. VAN BUREN.

WASHINGTON, *January —, 1839.*

The messages were read.

The treaty with the King of Sardinia and the treaty with the Omaha, Ioway, and Otoe tribes of Indians were read; and, by unanimous consent, were severally read the second time.

*Ordered*, That the treaty with the King of Sardinia, with the message and documents accompanying the same, be referred to the Committee on Foreign Relations and printed in confidence for the use of the Senate.

*Ordered*, That the treaty with the Omaha, Ioway, and Otoe Indians, and the message and documents accompanying the same, be referred to the Committee on Indian Affairs, and printed in confidence for the use of the Senate.

*Ordered*, That the nominations of Nicholas Snyder, Andrew G. Miller, William C. Scott, C. S. Loughborough, Henry W. McCorry, Isaac Van Alen, and William I. Davis be severally referred to the Committee on the Judiciary.

*Ordered*, That the nomination of John R. Conway be referred to the Committee on Foreign Relations.

On motion by Mr. Sevier,

*Ordered*, That the messages nominating John I. Clendennen and John H. Overton be severally laid on the table.

*Ordered*, That the nominations of Gerhard W. Abeken, Stephen Powers, Richard I. Offley, Felix H. Suan, Nathan Haley, John G. Flugel, Young I. Porter, Thomas W. Robeson, James R. Clendon, and Philemon S. Parker be severally referred to the Committee on Commerce.

*Ordered*, That the nomination of Samuel Stettinius be referred to the Committee on the District of Columbia.

*Ordered*, That the nomination of T. Hartley Crawford be referred to the Committee on Indian Affairs.

Mr. Rives, from the Committee on Naval Affairs, to whom were referred, on the 12th of December last, the nominations of Jonathan M. Foltz, Jared L. Elliott, Peter G. Clark, and William B. Slack, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Tipton submitted a letter from the Secretary of War, transmitting a communication from Samuel Bettle and Thomas Evans, stating that unfair means had been used in obtaining the assent of the New York Indians to the treaty with them as amended by the Senate, and requesting that a decision upon the final ratification of the said treaty be suspended.

*Ordered*, That the said letter and communication be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

Mr. Tipton, from the Committee on Indian Affairs, to whom was referred, on the 27th of December last, the message on the subject of authorizing the sale of certain stocks belonging to the Chickasaw Indians, to procure subsistence for the tribe, reported the following preamble and resolution:

Whereas it appears from the letter of the Secretary of War of the 26th of December, and the communication from the Commissioner of Indian Affairs of 24th December last, which were transmitted to the Senate with the message received on the 27th of that month, that the Chickasaw Indians have applied for subsistence for their nation for the further term of seven months; and

Whereas it is provided by the 13th article of the treaty between the United States and the Chickasaw Indians, which was made at the city

of Washington on the 24th of May, 1834, "that so much of their invested stocks may be sold, with the consent of the President and Senate, as shall be adjudged necessary for establishing schools, mills, blacksmiths' shops, and for the education of their children, and for any other needful purpose which their situation and condition may make, and by the President and Senate be considered, necessary"; and

Whereas the President has stated in the aforesaid message that "should it be the pleasure of the Senate to give its sanction to the measure suggested by the Commissioner for this purpose," his own will not be withheld: Therefore,

*Resolved*, That the consent of the Senate be, and the same hereby is, given to the sale of so much of the stocks in which the moneys arising from the sale of the Chickasaw lands have been invested as may be deemed by the President necessary to supply means of subsistence for the said nation of Chickasaw Indians for seven months, commencing with the first day of January, 1839: *Provided*, That the measures to be taken and the object shall conform to the treaties with the said Indians now in force, and with the act of Congress entitled "An act to carry into effect the treaties concluded by the Chickasaw tribe of Indians, on the 20th October, 1832, and the 24th May, 1834", approved on the 20th April, 1836.

### WEDNESDAY, JANUARY 30, 1839.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

I withdraw the nomination of John T. Clendennen, as commissioner for marking the boundary between the United States and Texas, and nominate him as clerk to said commissioner.

I also withdraw the nomination of John H. Overton as clerk, and nominate him as commissioner for marking said boundary.

M. VAN BUREN.

WASHINGTON, *January 29th* 1839.

*To the Senate of the United States:*

I withdraw the nomination of John P. Trott to be collector of the customs for the district of New London, in the State of Connecticut, vice Ingoldsby W. Crawford, whose commission will expire on the first of Feb'y, 1839, and nominate Charles F. Lester for said office.

M. VAN BUREN.

WASHINGTON, *Jan'y 29th*, 1839.

I nominate to the Senate John Louis McGregor to be consul of the United States for the port of Campeche, in Mexico.

M. VAN BUREN.

WASHINGTON, *January 29th*, 1839.

The messages were read,

*Ordered*, That the message nominating John H. Overton and John T. Clendennen be referred to the Committee on Foreign Relations.

*Ordered*, That the nominations of Charles F. Lester and John Louis McGregor be severally referred to the Committee on Commerce.

Mr. Roane, from the Committee on the District of Columbia, to whom were referred, on the 18th and 28th instant, the nominations of Thomas R. Hampton, and Samuel Stettinius, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. White submitted a letter from the Secretary of War, transmitting a petition of a delegation of the Seneca Indians, with other documents, representing that unfair means had been used to obtain the assent of the several tribes to the treaty as negotiated with the New York Indians and amended by the Senate.

*Ordered*, That said petition and documents be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

Mr. Robbins submitted the following resolution for consideration; which was ordered to be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate:

*Resolved*, That the treaty transmitted to the Senate by the President in his message on the 22d of January, 1839, entitled "A treaty, as amended by the Senate, and negotiated with the New York Indians," be suspended, and no further action be had thereon till the next session of Congress.

*Resolved, further* That the Committee on Indian Affairs be, and hereby are, instructed to investigate the manner in which the commissioner appointed to negotiate said treaty has negotiated the same; whether in conformity with, or in violation of, the true intent and meaning of the resolution of the Senate attached to said amended treaty, in the words following, to wit:

"*Resolved, further (two-thirds of the Senators present, concurring)*, That the Senate advise and consent to the ratification of the supplemental article to the treaty concluded at Buffalo Creek, in the State of New York, January the 15th, 1838, which was made at the council-house of St. Regis, on the 13th day of February, 1837: *Provided*, The chiefs and head men of the St. Regis Indians residing in New York will, in general council, accept of and adopt the aforesaid treaty as modified by the preceding resolution of ratification.

"*Provided always, and be it further resolved (two-thirds of the Senators present concurring)*, That the treaty shall have no force or effect whatever as it relates to any of said tribes, nations, or bands of New York Indians, nor shall it be understood that the Senate have assented to any of the contracts connected with it, until the same, with the amendments herein proposed, is submitted, and fully and fairly explained by a commissioner of the United States to each of said tribes or bands, separately assembled in council, and they have given their free and voluntary consent thereto; and if one or more of said tribes or bands, when consulted as aforesaid, shall freely assent to said treaty as amended, and to their contract connected therewith, it shall be binding and obligatory upon those so assenting, although other or others of said bands or tribes may not give their assent, and thereby cease to be parties thereto: *Provided, further*, That if any portion or part of said Indians do not emigrate, the President shall retain a proper proportion of said sum of four hundred thousand dollars, and shall also deduct from the quantity of land allowed west of the Mississippi such number of acres as will leave to each emigrant three hundred and twenty acres only."

And also to investigate the manner and means by which the several signatures of said Indian chiefs to said treaty have been procured and obtained.

And that said committee be vested with full powers to send for per-

sons and papers, and to carry on said investigations either here or at Buffalo, or both, as they may find it most expedient and proper.

And that said committee be instructed to report their proceedings, and the result of their investigations in the premises, to the Senate as soon as conveniently may be.

THURSDAY, JANUARY 31, 1839.

Mr. Buchanan, from the Committee on Foreign Relations, to whom were referred, on the 21st instant, the treaty with the King of the Netherlands, and the convention with the Mexican Republic, reported them severally without amendment.

The Senate, as in Committee of the Whole, proceeded to consider the treaty with the King of the Netherlands; and, no amendment having been made thereto, it was reported to the Senate.

Mr. Buchanan submitted the following resolution:

*Resolved (two-thirds of the Senators present concurring),* That the Senate advise and consent to the ratification of the treaty of commerce and navigation between the United States of America and His Majesty the King of the Netherlands, concluded at the city of Washington on the 19th day of January, 1839.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On the question to agree thereto,

It was determined in the affirmative, yeas 37.

Those who voted are,

Messrs. Allen, Brown, Buchanan, Clay of Kentucky, Cuthbert, Foster, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, McKean, Merrick, Morris, Nicholas, Niles, Norvell, Pierce, Prentiss, Preston, Rives, Roane, Robbins, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Spence, Swift, Tallmadge, Wall, White, Williams of Maine, Williams of Mississippi, Young.

*Ordered,* That the Secretary lay the said resolution before the President of the United States.

The Senate, as in Committee of the Whole, proceeded to consider the convention with the Mexican Republic; and no amendment having been made thereto, it was reported to the Senate.

Mr. Buchanan submitted the following resolution:

*Resolved (two-thirds of the Senators present concurring),* That the Senate advise and consent to the ratification of the convention for the adjustment of claims of citizens of the United States of America upon the Government of the Mexican Republic, concluded at the city of Washington on the 10th day of September, 1838.

The Senate proceeded, by unanimous consent, to consider the said resolution.

On the question to agree thereto,

It was determined in the affirmative, yeas 36.

Those who voted are,

Messrs. Allen, Brown, Buchanan, Clay of Kentucky, Cuthbert, Foster, Fulton, Hubbard, King, Knight, Linn, Lumpkin, Lyon, McKean, Mouton, Nicholas, Niles, Pierce, Prentiss, Preston, Rives, Roane, Robbins, Robinson, Ruggles, Sevier, Smith of Indiana, Southard, Spence, Swift, Tallmadge, Wall, White, Williams of Maine, Williams of Mississippi, Young.

*Ordered,* That the Secretary lay the said resolution before the President of the United States.

Mr. Buchanan, from the Committee on Foreign Relations, to whom were referred on the 28th and 30th instant, the nominations of John R. Conway, John H. Overton, and John J. Clendennen, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations of the 28th and 30th instant, as referred to the said committee.

Mr. Rives, from the Committee on Naval Affairs, to whom were referred, on the 12th of December last, the nominations of Isaac McKeever and John P. Zantzinger, reported the said nominations and submitted the following report:

The Committee on Naval Affairs, to whom were referred the nominations of commanders Isaac McKeever, and John P. Zantzinger to be captains in the Navy of the United States, have had the same under consideration, and submit the following report:

The Committee have no reason to question, but on the contrary, are fully persuaded of the meritorious character and standing of commanders McKeever and Zantzinger; but, for the reason stated in the following resolutions which they now present for the consideration of the Senate, affecting the relative rank of another officer of distinguished standing in the Navy, they cannot, under existing circumstances, recommend the confirmation of the nominations aforesaid.

*Resolved*, That the Senate do not advise and consent to the nominations of Commanders Isaac McKeever and John P. Zantzinger to be captains in the Navy of the United States, for the following reasons:

1. The said McKeever and Zantzinger are now, and since their promotion in 1830, have been, inferior in rank to Commander Robert F. Stockton, who has not been nominated for promotion.

2. The Senate know no sufficient reason for now changing the relative rank of those officers; nor, under the principles which have for some time governed in promotion in the Navy, any just cause why Commander Stockton should be passed by, in the promotions which ought now be made.

The Senate proceeded to the consideration of the said report and resolution; and,

After debate,

On motion by Mr. King,

*Ordered*, That they be laid upon the table.

Mr. King, from the Committee on Commerce, to whom were referred, on the 22d and 30th instant, the nominations of John P. Trott, Charles F. Lester, and John Louis McGregor, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Charles F. Lester, and John Louis McGregor, agreeably to their nominations respectively.

Mr. Sevier, from the Committee on Indian Affairs, to whom was referred, on the 28th instant, the nomination of T. Hartley Crawford, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of T. Hartley Crawford, agreeably to the nomination.

On motion by Mr. Sevier,

*Ordered*, That the Committee on Indian Affairs be discharged from the further consideration of the petition of Robert Grignon, presented on the 21st instant.

The following message was received from the President of the United States, by Mr. Abraham Van Buren, his secretary :

*To the Senate of the United States:*

I nominate S. G. Sneed to be register of the land office for the district of lands subject to sale at Johnson C.-H., in the State of Arkansas, vice Richard C. S. Brown, resigned.

M. VAN BUREN.

WASHINGTON, *January 30th, 1839.*

The message was read.

*Ordered,* That the nomination of S. G. Sneed be referred to the Committee on Public Lands.

FRIDAY, FEBRUARY 1, 1839.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary :

*To the Senate of the United States:*

I nominate John Clarke to be surveyor and inspector of the revenue for the port of Pittsburgh, in the State of Pennsylvania, from the 7th instant, when his late commission expired.

M. VAN BUREN.

WASHINGTON, *January 31st, 1839.*

I nominate to the Senate Charles Russell to be consul of the United States at Laguna, in the island of Del Carmen, in Mexico, in the place of John W. Langdon, removed.

M. VAN BUREN.

WASHINGTON, *January 31st, 1839.*

I nominate to the Senate William Hebb to be a justice of the peace for the county of Washington, in the District of Columbia, his commission having expired on the 16th instant.

M. VAN BUREN.

WASHINGTON, *January 31st, 1839.*

The messages were read.

*Ordered,* That the nominations of John Clarke and Charles Russell be severally referred to the Committee on Commerce.

*Ordered,* That the nomination of William Hebb be referred to the Committee on the District of Columbia.

Mr. Sevier submitted a letter from the Secretary of War, transmitting two communications from Edward Everett, governor of the State of Massachusetts, with a statement from the commissioner on the part of that State that the New York Indians had not been assembled in council to decide upon the treaty with those Indians as amended by the Senate, and a declaration signed by sixty-four chiefs and residents of the Seneca Nation opposed to selling their lands and to removing therefrom.

*Ordered,* That the said letter and the documents communicated therewith be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

SATURDAY, FEBRUARY 2, 1839.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

*To the Senate of the United States:*

I nominate Hugh W. Green, of Maine, to be a purser in the Navy.

M. VAN BUREN.

WASHINGTON, 1st Feb'y, 1839.

*To the Senate of the United States:*

I hereby nominate Doctor Zina Pitcher for appointment as assistant surgeon in the Army of the United States.

M. VAN BUREN.

WASHINGTON, February 2d, 1839.

*To the Senate of the United States:*

I hereby nominate Peter Muhlenberg for reappointment as paymaster in the Army of the United States, to take effect from and after the 2d instant, as suggested in the accompanying letter of the Secretary of War.

M. VAN BUREN.

WASHINGTON, February 2d, 1839.

WAR DEPARTMENT, *February 1st, 1839.*

SIR: I have the honor to propose for nomination to the Senate, if you think proper, Peter Muhlenberg for reappointment as paymaster in the Army of the United States from and after the 2d instant, the period when his present term of office will expire.

Very respectfully, your mo. ob't serv't,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

*To the Senate of the United States:*

I transmit a report from the Secretary of State, assigning reasons which render it probable that the time limited for the exchange of the ratifications of the convention for the adjustment of claims of citizens of the United States on the Government of the Mexican Republic may expire before that exchange can be effected, and suggesting that the consent of the Senate be requested for an extension of that time. The object of this communication, accordingly, is to solicit the approval by the Senate of such an extension upon the conditions mentioned in the report of the Secretary of State.

M. VAN BUREN.

WASHINGTON, 2d February, 1839.

DEPARTMENT OF STATE,  
*Washington, 2d February, 1839.*

*To the President of the United States:*

The Secretary of State has the honor to report to the President that, according to his instructions, Mr. Martinez, the Mexican minister plenipotentiary, was invited to the Department of State in order to ascertain if he had any recent information on the subject of the convention between the United States and Mexico, transmitted by him to Mexico for

ratification by his Government. Mr. Martinez called yesterday and stated that he was without definite information, but expected daily to receive it. He supposed the delay was occasioned by the troubled condition of Mexican affairs, and hoped we would make all due allowances for unavoidable delays. When asked if he had power to enlarge the time for the exchange of ratifications, he said that all his instructions had been fulfilled on the signature of the treaty. The Secretary called his attention to information just received at the Department from Mexico that the treaty was about to be submitted to the Mexican Congress, and he was requested to state what had changed the views of his Government on the question of ratifying the convention, he himself having stated, pending the negotiation, that the President, Bustamente, believed he had full power under the decree of the 20th of May, 1837, to ratify the convention without a reference of it to Congress. He replied that he did not know the causes which had produced this change of opinion. Mr. Martinez appeared to be very solicitous to have it understood that he had done everything in his power to hasten the exchange of ratifications, and to have every allowance made, in consequence of the disturbed state of Mexico and her pending war with France. From this conversation and the accompanying extracts from two letters from the consul of the United States at Mexico, the President will see that it is by no means improbable, if the ratification of the convention should have been decreed by the Congress of Mexico, that the ratification may not reach the city of Washington until after the 10th of February. The Secretary therefore respectfully represents to the President whether it is not advisable to ask the consent of the Senate to the exchange of the ratifications after the expiration of the time limited, if such exchange shall be offered by the Mexican Government, by their agent duly authorized for that purpose. Unless this authority can be granted, a new convention will have to be negotiated and the whole subject passed over until after the next session of Congress.

All which is respectfully submitted.

JOHN FORSYTH.

*Extract of a letter from the consul of the United States at Mexico, dated November 17th, 1838.*

"On the 13th Mr. Basave did me the honor to call on me, and informed me that he was requested by his excellency the minister of foreign relations, Mr. Cuevas, to inform me that, in consequence of his having to go to Jalapa to meet Admiral Baudin, the French minister plenipotentiary, he could not attend to the matters relating to the American question in time for Mr. Basave to go back in the Woodbury, and wished, therefore, that she might not be detained, as was intended, for the purpose of conveying to the United States Messrs. Basave and Murphy."

*Extract of a letter from the consul of the United States at Mexico, dated December 31st, 1838.*

"On a visit to the minister of foreign relations yesterday, he informed me that he was writing a friendly letter to the President of the United States and another to Mr. Forsyth, and said he was about to lay the convention entered into between the two Governments before the new Congress, and, if ratified, should request of me to procure for it a conveyance to the United States by one of our men of war, the time for its ratification being nearly expired."

The messages were read.

*Ordered*, That the nomination of Hugh W. Greene be referred to the Committee on Naval Affairs.

*Ordered*, That the nomination of Peter Muhlenberg be referred to the Committee on Military Affairs.

The Senate, by unanimous consent, proceeded to consider the nomination of Zina Pitcher.

On motion by Mr. Norvell,

*Resolved*, That the Senate advise and consent to the appointment of Zina Pitcher, agreeably to the nomination.

On motion by Mr. King,

*Ordered*, That the message relating to the extension of the time limited for the ratification of the convention with Mexico be laid on the table.

Mr. Sevier submitted a letter from Maris B. Pierce, on behalf of a delegation of Seneca Indians, stating that Charles R. Gold, who appears to have acted as their attorney, had refused to furnish any account of certain documents belonging to them that had been lost, and requesting that the said Gold be required to furnish a statement relative to said documents.

On motion by Mr. Sevier,

*Resolved*, That the letter from Maris B. Pierce on behalf of the delegation of Seneca Indians, in relation to certain documents belonging to that delegation said to have been lost, be referred to the Committee on Indian Affairs, and that the said committee have power to send for persons and papers.

On motion by Mr. Linn,

*Resolved*, That the injunction of secrecy be removed from the documents and proceedings of the Senate in relation to the treaty with the Menomonee tribe of Indians, and supplemental articles thereto, which were transmitted to the Senate on the 28th of February, 1831, and ratified by the Senate on the 25th of June, 1832.

Mr. Fulton, from the Committee on Public Lands, to whom was referred, on the 31st ultimo, the nomination of S. G. Sneed, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of S. G. Sneed, agreeably to the nomination.

Mr. Wall, from the Committee on the Judiciary, to whom were referred, on the 28th ultimo, the nominations of Nicholas Snyder, William C. Scott, P. S. Loughborough, Henry W. McCorry, Isaac Van Alen, and William J. Davis, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

## TUESDAY, FEBRUARY 5, 1839.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary :

I nominate to the Senate Ferris Forman to be attorney of the United States for the district of Illinois, from the 2d day of March next, when the commission of David J. Baker as such will expire.

M. VAN BUREN.

WASHINGTON, February 2d, 1839.

*To the Senate of the United States :*

I nominate John S. Devlin, of the District of Columbia, to be a second lieutenant in the Marine Corps, to supply a vacancy occasioned by the resignation of William H. Brewster.

M. VAN BUREN.

WASHINGTON, February 2d, 1839.

I nominate to the Senate Samuel D. King to be a justice of the peace for the county of Washington, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, February 5th, 1839.

*To the Senate of the United States :*

I nominate for reappointment John Rodman to be collector of the customs for the district and inspector of the revenue for the port of St. Augustine, in the Territory of Florida, from the 3d of the present month, when his late commission expired.

M. VAN BUREN.

WASHINGTON, February 5th, 1839.

*To the Senate of the United States :*

I nominate for reappointment Samuel McRoberts to be receiver of public moneys at Danville, in the State of Illinois, from the 2d of March, 1839, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, February 5th, 1839.

*To the Senate of the United States :*

I nominate James L. Jolley to be receiver of public moneys for the district of lands subject to sale at Augusta, in the State of Mississippi, vice Griffin H. Holliman, whose commission will expire on the 6th of the present month.

M. VAN BUREN.

WASHINGTON, February 5th, 1839.

The messages were read.

*Ordered,* That the nomination of Ferris Forman be referred to the Committee on the Judiciary.

*Ordered,* That the nomination of John S. Devlin be referred to the Committee on Naval Affairs.

*Ordered,* That the nomination of Samuel D. King be referred to the Committee on the District of Columbia.

*Ordered,* That the nomination of John Rodman be referred to the Committee on Commerce.

*Ordered,* That the nominations of Samuel McRoberts and James S. Jolley be severally referred to the Committee on Public Lands.

On motion by Mr. Wall,

The Senate proceeded to consider the nomination of Israel Hamilton, reported on the 24th ultimo.

Whereupon

*Resolved,* That the Senate advise and consent to the appointment of Israel Hamilton, agreeably to the nomination.

On motion by Mr. Benton,

The Senate resumed the consideration of the message of the 22d of December last nominating Thomas J. Cram and others.

The question was stated, Will the Senate advise and consent to the appointment of Washington Hood, agreeably to the nomination?

And

|                                       |   |                        |    |
|---------------------------------------|---|------------------------|----|
| It was determined in the affirmative, | { | Yea <sup>s</sup> ..... | 23 |
|                                       |   | Nay <sup>s</sup> ..... | 13 |

On motion by Mr. Hubbard,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Bayard, Benton, Brown, Buchanan, Clay of Kentucky, Crittenden, Foster, Fulton, Linn, Lumpkin, McKean, Merrick, Nicholas, Norvell, Preston, Rives, Smith of Indiana, Southard, Swift, Tallmadge, Wall, White, Wright.

Those who voted in the negative are,

Messrs. Allen, Calhoun, Clay of Alabama, Hubbard, King, Niles, Pierce, Roane, Robinson, Ruggles, Strange, Williams of Maine, Young.

So it was

*Resolved*, That the Senate advise and consent to the appointment of Washington Hood, agreeably to the nomination.

The Senate then proceeded to consider the nominations of Thomas J. Lee, A. A. Humphreys, and Lorenzo Sitgreaves, respectively.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Thomas J. Lee, A. A. Humphreys, and Lorenzo Sitgreaves, agreeably to their respective nominations.

Mr. Fulton, from the Committee on Public Lands, to whom was referred, on the 22d ultimo, the nomination of Douglass W. Sloane, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Douglass W. Sloane, agreeably to the nomination.

On motion by Mr. Tallmadge,

*Resolved*, That the injunction of secrecy be removed from the treaty negotiated with the New York Indians at Buffalo Creek, on the 15th of January, 1838, as amended by the resolution of the Senate of the 11th June, 1838, and since submitted to the said Indians for their assent to the treaty as amended, which was transmitted to the Senate on the 22d ultimo; and also from all the documents received in relation to the said treaty which have been ordered to be printed in confidence for the use of the Senate.

Mr. Wall, from the Committee on the Judiciary, to whom was referred, on the 28th ultimo, the nomination of Andrew G. Miller, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Andrew G. Miller, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom were referred, on the 28th ultimo, the nominations of Gerhard W. Abeken, Stephen Powers, Richard J. Offley, Felix A. Suan, Nathan Haley, John G. Flugel, Young J. Porter, Thomas W. Robeson, James R. Clendon, and Philemon S. Parker, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

WEDNESDAY, FEBRUARY 6, 1839.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

I nominate to the Senate Theodore Kane to be a justice of the peace for the county of Washington, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, *February 5th, 1839.*

*To the Senate of the United States :*

I nominate for reappointment Abraham Edwards to be register of the land office for the district of lands subject to sale at Bronson, in the State of Michigan, from the 3d of March, 1839, when his present commission will expire.

Also, Thomas C. Sheldon to be reappointed receiver of public moneys for the district of lands subject at Bronson, in the State of Michigan, from the 3d of March, 1839, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *February 6th, 1839.*

The messages were read.

*Ordered,* That the nomination of Theodore Kane be referred to the Committee on the District of Columbia.

*Ordered,* That the nominations of Abraham Edwards and Thomas C. Sheldon be referred to the Committee on Public Lands.

SATURDAY, FEBRUARY 9, 1839.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

*To the Senate of the United States :*

I nominate Benjamin E. Brooke, now a second lieutenant, to be a first lieutenant in the Marine Corps, from this date, to supply a vacancy occasioned by the resignation of Geo. W. McLean.

William L. Shuttleworth, of New York, to be a second lieutenant in the Marine Corps, to fill a vacancy occasioned by the promotion of Benja. E. Brooke.

M. VAN BUREN.

WASHINGTON, *Feb'y 7th, 1839.*

*To the Senate of the United States :*

I nominate Normand Lyman to be surveyor and inspector of the revenue for the port of Hartford, in the State of Connecticut, vice William Conner, whose commission will expire on the 22d of the present month.

M. VAN BUREN.

WASHINGTON, *February 7th, 1839.*

*To the Senate of the United States :*

I nominate Augustus C. French to be receiver of public moneys for the district of lands subject to sale at Palestine, in the State of Illinois, vice John D. Whiteside, declined the appointment.

M. VAN BUREN.

WASHINGTON, *February 9th, 1839.*

I nominate to the Senate Samuel J. Gholson, of Mississippi, to be judge of the United States for the district of Mississippi, in the place of George Adams, resigned.

M. VAN BUREN.

WASHINGTON, *February 9th, 1839.*

The messages were read.

*Ordered,* That the nominations of Benjamin E. Brooke and William L. Shuttleworth be referred to the Committee on Naval Affairs.

*Ordered,* That the nomination of Normand Lyman be referred to the Committee on Commerce.

*Ordered,* That the nomination of Augustus C. French be referred to the Committee on Public Lands.

*Ordered,* That the nomination of Samuel J. Gholson be referred to the Committee on the Judiciary.

Mr. Benton, from the Committee on Military Affairs, to whom was referred, on the 2d instant, the nomination of Peter Muhlenberg, reported.

Whereupon

*Resolved,* That the Senate advise and consent to the appointment of Peter Muhlenberg, agreeably to the nomination.

Mr. Sevier presented the memorial of Israel Jennison, Seneca White, Maris B. Pierce, and John Kennedy, jr., as a delegation of Seneca Indians, stating that the treaty purporting to have been made at Buffalo Creek, in the State of New York, with the New York Indians, on the 15th of January, 1838, and as amended by the resolution of ratification of the Senate of the 11th of June, 1838, returned to New York to obtain the assent of the Indians thereto, has never received the assent or sanction of a majority of those Indians; that therefore it is not binding on them; and protesting against its being enforced by the United States.

*Ordered,* That the said memorial and the documents accompanying the same be referred to the Committee on Indian Affairs and printed for the use of the Senate.

Mr. Roane, from the Committee on the District of Columbia, to whom were referred, on the 1st, 5th, and 6th instant, the nominations of William Hebb, Samuel D. King, and Theodore Kane, reported.

Whereupon

*Resolved,* That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Fulton, from the Committee on Public Lands, to whom were referred, on the 5th and 6th instant, the nominations of Samuel McRoberts, James L. Jolley, Abraham Edwards, and Thomas C. Sheldon, reported.

Whereupon

*Resolved,* That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Wall, from the Committee on the Judiciary, to whom was referred, on the 5th instant, the nomination of Ferris Forman, reported.

Whereupon

*Resolved,* That the Senate advise and consent to his appointment, agreeably to the nomination.

Mr. King, from the Committee on Commerce, to whom were referred, on the 1st and 5th instant, the nominations of John Clarke and John Rodman, reported.

Whereupon

*Resolved,* That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

WEDNESDAY, FEBRUARY 13, 1839.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

*To the Senate of the United States:*

I nominate Pierre Auguste St. Martin to be register of the land office for the district of lands subject to sale at New Orleans, in the State of Louisiana, vice B. Z. Cononge, deceased.

M. VAN BUREN.

WASHINGTON, *February 11th, 1839.*

*To the Senate of the United States:*

I nominate—

John M. Dale, now a lieutenant, to be a commander in the Navy, from this date, to fill a vacancy occasioned by the death of M. P. Mix.

Robert E. Johnson, now a passed midshipman, to be a lieutenant in the Navy, from this date, to fill the vacancy occasioned by the promotion of John M. Dale.

M. VAN BUREN.

WASHINGTON, *February 12th, 1839.*

*To the Senate of the United States:*

I nominate Algernon S. Taylor, of the District of Columbia, to be a second lieutenant in the Marine Corps.

M. VAN BUREN.

WASHINGTON, *February 12th, 1839.*

*Gentlemen of the Senate:*

I nominate for your advice and consent William Gilmore to be deputy postmaster at Chambersburg, in the State of Pennsylvania, whose present appointment will expire on the 3d of March next.

I also nominate for your advice and consent the following persons to be deputy postmasters at the several places named, the commissions allowed to each of the postmasters having exceeded one thousand dollars for the year ending on the 30th of June, 1838, viz:

Robert Lamberton at Carlisle, Pennsylvania.

Joseph Weaver, at Pottsville, Pennsylvania.

James H. Cowden at Madison, Indiana.

Ephraim H. Gatewood at Shawneetown, Illinois.

M. VAN BUREN.

FEBRUARY 12TH, 1839.

I nominate to the Senate Nathaniel S. Benton to be attorney of the United States for the northern district of New York, from the 3d day of March next, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *February 13th, 1839.*

The messages were read.

*Ordered,* That the nomination of Pierre Auguste St. Martin be referred to the Committee on Public Lands.

*Ordered,* That the nominations of John M. Dale, Robert E. Johnson, and Algernon S. Taylor be severally referred to the Committee on Naval Affairs.

*Ordered*, That the nomination of deputy postmasters be referred to the Committee on the Post-Office and Post-Roads.

*Ordered*, That the nomination of Nathaniel S. Benton be referred to the Committee on the Judiciary.

Mr. Wall, from the Committee on the Judiciary, to whom was referred, on the 9th instant, the nomination of Samuel J. Gholson, reported.

## Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Samuel J. Gholson, agreeably to the nomination.

Mr. Fulton, from the Committee on Public Lands, to whom were referred, on the 9th instant and this day, the nominations of Augustus C. French and Pierre Augste St. Martin, reported.

## Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Fulton, from the same committee, to whom was referred, on the 22d of January last, the nomination of James Turney, reported adversely thereon.

The question was stated, Will the Senate advise and consent to the appointment of James Turney, agreeably to the nomination?

And

After debate,

It was determined in the negative, { Yeas..... 4  
Nays..... 26

On motion by Mr. Robinson,

The yeas and nays being desired by one fifth of the Senators present,  
Those who voted in the affirmative are,

**Messrs. Hubbard, Robinson, Wright, Young.**

Those who voted in the negative are,

Messrs. Allen, Bayard, Brown, Clay of Alabama, Clay of Kentucky, Crittenden, Foster, Fulton, Linn, Lyon, Merrick, Mouton, Nicholas, Niles, Pierce, Prentiss, Rives, Sevier, Smith of Connecticut, Smith of Indiana, Strange, Swift, Webster, White, Williams of Maine, Williams of Mississippi.

So it was

*Resolved*, That the Senate do not advise and consent to the appointment of James Turney to be register of the land office for the district of lands subject to sale at Galena, in the State of Illinois, vice Henry B. Truett, resigned.

Mr. King, from the Committee on Commerce, to whom was referred, on the 9th instant, the nomination of Normand Lyman, reported.

## Whereupon

*Resolved*, That the Senate advise and consent to the appointment of  
Normand Lyman, agreeably to the nomination.

THURSDAY, FEBRUARY 14, 1839.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

I nominate to the Senate Thomas G. Ellis, of Mississippi, to be secretary of the legation of the United States to the United Mexican States.

M. VAN BUREN.

WASHINGTON, *February 14th, 1839.*

I nominate to the Senate Richard K. Call to be governor in and for the Territory of Florida from the 16th day of March next, when the commission of said Richard K. Call will expire.

M. VAN BUREN.

WASHINGTON, — —, 1839.

The messages were read.

*Ordered*, That the nomination of Thomas G. Ellis be referred to the Committee on Foreign Relations.

*Ordered*, That the nomination of Richard K. Call be referred to the Committee on the Judiciary.

Mr. Sevier presented the memorial of Little Johnson, White Seneca, George Jimeson, and Nathaniel T. Strong, as a delegation of the Seneca Indians, stating that the treaty with the New York Indians, now before the Senate, had received the assent of the said Indians, and praying that the said treaty may be speedily carried into effect.

*Ordered*, That the said memorial be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

THURSDAY, FEBRUARY 21, 1839.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary :

*To the Senate :*

I transmit, for the constitutional action of the Senate, treaties recently concluded with the Creek, Osage, and Iowa tribes of Indians, with communications from the Department of War.

M. VAN BUREN.

WASHINGTON, *February 16th*, 1839.

*To the Senate of the United States :*

I nominate Samuel Hackleton to be register of the land office for the district of lands subject to sale at Galena, in the State of Illinois, vice James Turney, appointed during the recess and since rejected by the Senate.

M. VAN BUREN.

WASHINGTON, *February 15th*, 1839.

*To the Senate of the United States :*

I nominate Nicholas W. Parker to be surveyor and inspector of the revenue for the district of Norfolk and Portsmouth, in the State of Virginia, in place of Samuel L. Lightfoot, resigned.

M. VAN BUREN.

15TH FEBRUARY, 1839.

*Gentlemen of the Senate :*

I nominate, for your advice and consent, Maturin L. Fisher to be deputy postmaster at Worcester, in the State of Massachusetts, in place of Jubal Harrington, removed.

M. VAN BUREN.

FEBRUARY 18TH, 1839.

*To the Senate of the United States:*

I nominate James Findley to be receiver of public moneys for the district of lands subject to sale at Wooster, in the State of Ohio, from the 2d of March, 1839, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *February 19th, 1839.*

*Gentlemen of the Senate:*

I nominate, for your advice and consent, Nathan Lester to be deputy postmaster at Columbus, in the State of Mississippi, in place of A. C. Burgess, removed.

M. VAN BUREN.

FEBRUARY 19TH, 1839.

The messages were read.

The treaty with the Creek Indians, made 23d November, 1838; the treaty with the Ioway Indians, made 19th October, 1838, and the treaty with the Great and Little Osage Indians, made 11th January, 1839, were read, and by unanimous consent were severally read the second time.

*Ordered,* That the message, treaties, and accompanying documents be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

*Ordered,* That the nominations of Samuel Hackleton and James Findley be severally referred to the Committee on Public Lands.

*Ordered,* That the nomination of Nicholas W. Parker be referred to the Committee on Commerce.

*Ordered,* That the nominations of Maturin L. Fisher and Nathan Lester be severally referred to the Committee on the Post-Office and Post-Roads.

Mr. Davis presented a petition from Daniel Waldo and others, of Worcester, Massachusetts, recommending Oliver Harrington as a suitable person for the appointment of postmaster at that place.

*Ordered,* That the said petition be referred to the Committee on the Post-Office and Post-Roads.

The following message was received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

*To the Senate of the United States:*

I nominate Lieut. W. Scott Ketchum, of the 6th Infantry, to be assistant quartermaster, with the rank of captain, vice Capt. L'Engle.

M. VAN BUREN.

WASHINGTON, *February —, 1839.*

I nominate to the Senate Mandeville Marigny to be marshal of the United States for the eastern district of Louisiana from the 25th instant, when the commission of John H. Holland expires.

M. VAN BUREN.

WASHINGTON, *February 21st, 1839.*

The messages were read.

*Ordered,* That the nomination of W. Scott Ketchum be referred to the Committee on Military Affairs.

*Ordered,* That the nomination of Mandeville Marigny be referred to the Committee on the Judiciary.

Mr. Robinson, from the Committee on the Post-Office and Post-Roads, to whom were referred, on the 13th instant and this day, the nominations of William Gilmore, Robert Lamberton, Joseph Weaver, James H. Cowden, Ephraim H. Gatewood, Maturin L. Fisher, and Nathan Lester, reported. He also reported with the nomination of Maturin L. Fisher the petition from Daniel Waldo and others, relating to the appointment of a deputy postmaster at Worcester, Massachusetts.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to the nominations respectively.

Mr. Walker, from the Committee on Public Lands, to whom were referred this day the nominations of Samuel Hackleton and James Findley, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Wall, from the Committee on the Judiciary, to whom were referred on the 13th and 14th instant the nominations of Nathaniel S. Benton and Richard K. Call, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Rives, from the Committee on Naval Affairs, to whom were referred on the 12th of December last, and the 5th and 13th instant the nominations of Joel Albert, Charles W. Pickering, Overton Carr, William B. Ludlow, Luther Stoddard, William M. Walker, George R. Gray, John S. Devlin, and Algernon S. Taylor, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Rives, from the same committee, to whom was referred on the 2d instant the nomination of Hugh W. Greene, reported.

On motion by Mr. King,

*Ordered*, That said nomination be laid on the table.

FRIDAY, FEBRUARY 22, 1839.

The following message was received from the President of the United States, by Mr. Abraham Van Buren, his secretary :

*To the Senate of the United States:*

I transmit, for the constitutional action of the Senate, articles supplementary to the treaty with the Chippewas for the purchase of forty acres of land at the mouth of the Saginaw River, which are esteemed necessary in the erection and use of a light-house at that point.

M. VAN BUREN.

WASHINGTON, 21st February, 1839.

The message was read.

The articles supplementary to certain treaties between the United States and the Saganaw tribe of Chippewas were read; and, by unanimous consent, were read the second time.

*Ordered*, That the message, treaty, and accompanying documents be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

THURSDAY, FEBRUARY 28, 1839.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

*To the Senate:*

I transmit, for the constitutional action of the Senate, a supplemental article to the treaty with the Chippewas of Saganaw, which accompanied my communication of the 21st instant, and explanatory papers from the War Department.

M. VAN BUREN.

WASHINGTON, *February 25th, 1839.*

I nominate to the Senate Vincent King and Gilbert L. Giberson to be justices of the peace for the county of Washington, in the District of Columbia.

M. VAN BUREN.

WASHINGTON, *February 23d, 1839.*

*To the Senate:*

I nominate the several persons named in the communication from the Department of War, herewith transmitted, for the offices in the Indian Department therein indicated for them respectively.

M. VAN BUREN.

WASHINGTON, *February 25th, 1839.*

WAR DEPARTMENT, *February 19th, 1839.*

SIR: I have the honor to propose for nomination to the Senate, if you think proper, the gentlemen named in the accompanying communication from the Commissioner of Indian Affairs, for the offices designated for them respectively.

Very respectfully, your mo. ob't serv't,

J. R. POINSETT.

To the PRESIDENT.

WAR DEPARTMENT, OFFICE INDIAN AFFAIRS,

*February 19th, 1839.*

SIR: I respectfully submit the names of the following gentlemen to be laid before the President, if you think proper, for nomination to the Senate for the offices designated for them respectively, to take effect on the 4th of March next:

Joshua Pilcher to be superintendent Indian affairs at St. Louis.

Joseph M. Street to be Indian agent for the Sacs and Foxes.

Henry R. Schoolcraft to be Indian agent for the Ottowas and Chippewas.

Lawrence Taliaferro to be Indian agent for the Sioux of the Mississippi.

John Dougherty to be Indian agent for the Otoes, Missourias, Omahas, and Pawnees.

A. M. M. Upshaw to be Indian agent for the Chickasaws.

The commissions of the first four agents will expire on the fourth of March next. The fifth is named in place of Benjamin Reynolds, whose commission will expire on the same day.

Very respectfully, your mo. ob't serv't,

T. HARTLEY CRAWFORD.

Hon. J. R. POINSETT,

*Secretary of War.*

I nominate to the Senate Daniel W. Courts, of North Carolina, to be consul of the United States for the port of Matanzas, in the island of Cuba, in the place of Lewis Shoemaker, deceased.

M. VAN BUREN.

WASHINGTON, *February 26th, 1839.*

*To the Senate of the United States:*

I nominate George Dennett to be naval officer for the district of Portsmouth, in the State of New Hampshire, vice William Claggett, whose commission expired on the 17th of December last.

M. VAN BUREN.

WASHINGTON, *February 26th, 1839.*

*To the Senate of the United States:*

I nominate James Smith to be collector of the customs for the district of Genesee and inspector of the revenue for the port of Rochester, in the State of New York, vice Jacob Gould, resigned.

M. VAN BUREN.

WASHINGTON, *February 27th, 1839.*

*To the Senate of the United States:*

I nominate the persons named in the accompanying list for promotions and appointments in the Army to the several grades annexed to their names, as proposed in the letter of the Secretary of War herewith.

M. VAN BUREN.

WASHINGTON, *February 27th, 1839.*

WAR DEPARTMENT, *February 26th, 1839.*

SIR: I have the honor respectfully to propose for nomination to the Senate, if you think proper, the annexed list of officers for regular promotion and persons for appointment in the Army of the United States.

Very respectfully, your mo. ob't servant,

J. R. POINSETT.

To the PRESIDENT OF THE UNITED STATES.

PROMOTIONS AND APPOINTMENTS IN THE ARMY OF THE UNITED STATES.

*First Regiment of Dragoons.*

First Lieutenant James S. Vanderveer to be captain, 3d February, 1839, vice Perkins, resigned.

Second Lieutenant Richard West, jr., to be first lieutenant, 29th January, 1839, vice Roberts, resigned.

Second Lieutenant Fayette Robinson to be first lieutenant, 3d February, 1839, vice Vanderveer, promoted.

*Third Regiment of Artillery.*

First Lieutenant Martin Burk to be captain, 1st December, 1838, vice L'Engle, resigned.

Second Lieutenant James M. Ketchum to be first lieutenant, 1st December, 1838, vice Burk, promoted.

Second Lieutenant William H. Shover to be first lieutenant, 1st March, 1839, vice Casey, resigned.

*Fourth Regiment of Infantry.*

Second Lieutenant Charles Hoskins to be first lieutenant, 30th December, 1838, vice Tibbatts, deceased.

*Fifth Regiment of Infantry.*

First Lieutenant Isaac Lynde to be captain, 1st January, 1839, vice Jamison, dismissed.

Second Lieutenant Samuel Whitehorn to be first lieutenant, 1st January, 1839, vice Lynde, promoted.

*Seventh Regiment of Infantry.*

First Lieutenant Theophilus H. Holmes to be captain, 9th December, 1838, vice Stuart, deceased.

Second Lieutenant James M. Wells to be first lieutenant, 9th December, 1838, vice Holmes, promoted.

Lewis G. Derussy to be paymaster by reappointment from 21st September, 1838.

*To the Senate of the United States:*

I nominate James Maguire, of Virginia, to be a second lieutenant in the Marine Corps, to supply a vacancy occasioned by the death of 2d Lieut. John F. Young.

M. VAN BUREN.

WASHINGTON, February 27th, 1839.

The messages were read.

The supplementary article to a certain treaty between the United States and the Chippewa chiefs of Saganaw, concluded at Lower Saganaw on the 7th of February, 1839, was read; and, by unanimous consent, was read the second time.

*Ordered*, That the message, treaty, and accompanying documents be referred to the Committee on Indian Affairs and printed in confidence for the use of the Senate.

*Ordered*, That the nominations of Vincent King and Gilbert L. Gibson be referred to the Committee on the District of Columbia.

*Ordered*, That the message nominating Indian agents be referred to the Committee on Indian Affairs.

*Ordered*, That the nominations of Daniel W. Courts, George Dennett, and James Smith be referred to the Committee on Commerce.

*Ordered*, That the nominations of officers in the Army be referred to the Committee on Military Affairs.

*Ordered*, That the nomination of James Maguire be referred to the Committee on Naval Affairs.

Mr. Benton, from the Committee on Military Affairs, to whom was referred, on the 18th of January last, the message of the President relative to alterations in the dates of appointment and the rank of R. L. Baker, M. P. Lomax, and J. W. Ripley, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the alterations in the dates of appointment and the rank of said persons respectively, as recommended in said message from the President of the United States.

Mr. Wall, from the Committee on the Judiciary, to whom was referred, on the 21st instant, the nomination of Mandeville Marigny, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Mandeville Marigny, agreeably to the nomination.

Mr. Sevier, from the Committee on Indian Affairs, to whom was referred, on the 22d of January last, the message communicating the treaty with the New York Indians, made at Buffaloe on the 15th of January, 1838, as amended by the Senate by resolution of ratification of the 11th of June, 1838, and to whom have since been referred the several memorials, letters, resolutions, and communications upon the subject of said treaty, submitted the following report:

The Committee on Indian Affairs, to whom was referred the President's message of the 21st of January, 1839, transmitting a treaty as amended by the Senate, which was negotiated by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, headmen, &c., of the New York Indians, &c., report:

That the original treaty was concluded on the 15th of January, 1838, by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, headmen, and warriors of the several tribes of the New York Indians, and which treaty, thus concluded, was, on the 23d day of April, 1838, transmitted by the President for the advisement and consent of the Senate.

On the 11th of June, 1838, this treaty was considered by the Senate, and on that day was ratified on certain conditions. These conditions were that the treaty should be modified and amended in several essential particulars, and that these amendments or modifications should be fully and fairly explained to each tribe, separately assembled in open council, and that a majority of the chiefs should voluntarily and freely assent to each and all of the amendments made by the Senate. This being done, it was the sense of the Senate that the treaty should, in that event, be binding and complete, and in failure thereof, that the treaty should have no force or effect.

The committee have endeavored to ascertain if the treaty, as amended, had been fully and fairly explained in open council to each tribe separately assembled, and with this view they have carefully examined all the documents submitted with the treaty, and have had before them several witnesses whose testimony they have taken, and submit the same herewith, with this report—and after this examination, and after hearing this testimony, which was taken in the presence of the commissioner and of the agent of the Senecas, and in the presence also of the respective delegations of Senecas, one of which is in favor of, and the other against, the treaty as amended, they are unanimously of opinion that the amendments aforesaid were fully and fairly explained to the Indians referred to, in open counsel, to each tribe separately assembled.

The next inquiry with the committee was to ascertain if the amended treaty, when explained as above stated, had been freely and voluntarily assented to by a majority of the Senecas.

In respect to all the tribes except the Senecas, the application appears to have been satisfactory to the Executive; and there being no question submitted as to the assent of the other tribes, the committee have confined themselves exclusively to an inquiry into the assent given to the amendments by the Senecas, and have endeavored to ascertain if a majority of the chiefs of this tribe had freely and voluntarily assented to the amendments according to the terms of the resolution of the 11th of June, 1838.

Upon this branch of the subject the committee have had much difficulty, and to solve these difficulties they have consulted the documents aforesaid and have heard testimony.

It appears from the testimony that the treaty making power with this tribe is vested in and exercised by the chiefs. It appears from the testimony of the agent of the tribe, and from the testimony of the chiefs who testified before us on the side of the treaty or emigrating party, that the number of the chiefs is eighty-one; and, on the other hand, it is sworn to by those opposing the treaty, and who are against emigrating, that there are upwards of ninety chiefs of the Senecas, and it is proved that during the sitting of the council, which lasted for weeks, that the greater part of those chiefs attended the council occasionally, and as many as sixty at a time. It appears from the letter of Mr. Gillet, dated Washington, 25th October, 1838, on page 13 of the written document addressed to Mr. Crawford, of the Indian Bureau, that "the Seneca Nation is divided on the question of emigration"; that "there is a large and highly respectable and intelligent portion who are the unwavering friends of emigration, while another considerable portion appear to be its inflexible opponents." "There is a third class who do not appear to have sufficient independence of mind and character to be described as belonging to or acting with either party, and while the current of their feelings seems to be with the emigration party, they are often restrained from action by the threats and compulsion of the opposite party." He adds, "This was the condition of the tribe at the opening of the council."

At page sixteen of the same document, in the letter aforesaid, the commissioner, after describing the course he had taken to obtain signatures of assent to the amended treaty by obtaining leases for them, &c., he states: "I presented the manuscript copy of the amended treaty, to which I had attached a written assent. I informed the council that those who chose to do so could sign it, and those who, from fear or other cause, preferred signing at my room, in presence of myself, the superintendent from Massachusetts, the agent, and such other persons as might be present, might do so. I then received sixteen signatures, and subsequently, at my room, in presence of General Dearborn, thirteen, and two other signatures at the rooms of chiefs who were too unwell to attend council, making in all thirty-one chiefs. These were all by persons who understood the subject, and were freely and voluntarily given."

At page eighteen of the same document the commissioner sums the details of his negotiation, which was signed, as before stated, by thirty-one chiefs, by saying: "The question then arises, is it necessary to have the names of all the chiefs on the reservation? If so, it was not sufficiently signed in my presence; if not, need it be more than a majority of all who attended this council? This is what is usually required in legislative bodies, and, reasoning from analogy, the assent is sufficiently signed. If it requires a majority of all who, from time to time, may have been for short periods at council, it is not in my power to give you the necessary information whereon to decide." The commissioner then concludes his report by saying: "In the foregoing statement I have stated everything which I suppose at all material to a right understanding of the whole matter, including all the facts which either the friends or opponents of emigration could desire," &c.

The above the committee consider the substance of Mr. Gillet's report, and, for fear of doing injustice, have quoted his own language, and given, as it is entitled to receive, the most implicit credence to the whole of his statement; and after doing so the committee are unanimously of opinion that the assent of the majority of the chiefs of the Seneca Nation, or of those who attended the council during its sitting, had not been obtained at the date of that report. And in this light it appears

to have been viewed by the Executive, or else he would have disposed of it as he did of the other tribes who were parties to this treaty. But the commissioner made another report, which we will now examine. Having failed, as the Executive evidently considered, in obtaining such an assent to the amended treaty as the resolution of the Senate required, he was dispatched a second time to the Senecas; and in his report of his doings in this second mission he says, in his second report to the Commissioner, at page nineteen of the same document: "You have heretofore received a full report of all that transpired prior to your instructions," (what those instructions were have not been made known to the committee) "I repaired to Buffalo, New York, for the purpose of carrying them into effect. On my arrival there I was joined by General Dearborn, the superintendent appointed by the governor of Massachusetts, who continued with me until the close of my visit there. He was present and witnessed every signature to the assent except one, which was taken while he was confined to his room by indisposition. Soon after my arrival there I directed the United States subagent to give public notice that I was present and was authorized to receive the signatures of such chiefs as desired to give them, and that the superintendent from Massachusetts was also present to discharge the duty assigned to him by the authorities of his State. After this notice ten additional names were received to the assent, making in all forty one."

The above is all that is contained, in the opinion of the committee, in the second report, materially bearing upon the subject now immediately under consideration, and the analysis of the whole of the two reports is that sixteen chiefs signed the amended treaty in open council; thirteen in his room, in person or by attorney; two at their own houses, where they were sick; and ten on the second mission, acting under the instructions of the 30th of October, making in all forty-one, being only a majority of one, and that majority is made by rating the chiefs at the lowest estimate. This number has been increased by three additional names which have been forwarded since the treaty has been under consideration, which increases the number of those who have assented to forty-four. If these forty-four had signed the amended treaty in open council the committee would consider that the requirements of the Senate had been complied with, at least with the appearance of having a majority. But it is in vain to contend that the signatures of the last ten, which were obtained on the second mission, or of the three who have sent on their assent lately, is such a signing as was contemplated by the resolution of the Senate. It is competent, however, for the Senate to waive the usual and customary forms in this instance, and consider the signatures of these last thirteen as good as though they had been obtained in open council. But the committee cannot recommend the adoption of such a practice in making treaties, for divers good reasons which must be obvious to the Senate; and among those reasons, against these secret individual negotiations, is the distrust created that the chiefs, by so acting, are doing what a majority of their people do not approve of, or else that they are improperly acted upon by bribery or threats and unfair influences. In this case we have most ample illustrations. Those opposed to the treaty accuse several of those who have signed their assent to the amended treaty with having been bribed, and in at least one instance they make out the charge very clearly.

In the Indian lands there are two separate interests of our own citizens—the one are the lessees of the Indians, and the other the pre-emptive claimants; and these two white interests seem to be as violently

arrayed against each other as are the two divisions of the Indians themselves, and, as active partisans, take sides with the Indian party according to their interests.

The above are the leading facts of this negotiation, and the committee, being but four in number, have been unable to agree upon any recommendation to the Senate other than to submit the facts, and this they do for the future action of the Senate.

The report was read.

On motion by Mr. Sevier,

*Ordered*, That it be printed in confidence for the use of the Senate.

On motion by Mr. Williams, of Maine,

The Senate resumed the consideration of the nomination of Hugh W. Green, which was reported and laid on the table on the 21st instant.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Hugh W. Green, agreeably to the nomination.

Mr. Davis, from the Committee on Commerce, to whom were referred this day the nominations of Daniel W. Courts, George Dennett, and James Smith, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

The Senate proceeded to consider the preamble and resolution reported from the Committee on Indian Affairs on the 28th of January last; and,

On motion by Mr. Sevier,

The same were amended and agreed to as follows:

Whereas it appears from the letter of the Secretary of War of the 26th of December, and the communication from the Commissioner of Indian Affairs of 24th December last, which were transmitted to the Senate with the message received on the 27th of that month, that the Chickasaw Indians have applied for subsistence for their nation for the further term of seven months; and whereas it is provided by the 13th article of the treaty between the United States and the Chickasaw Indians, which was made at the city of Washington on the 24th of May, 1834, "that so much of their invested stocks may be sold, with the consent of the President and Senate, as shall be adjudged necessary for establishing schools, mills, blacksmiths' shops, and for the education of their children, and for any other needful purpose which their situation and condition may make, and by the President and Senate be considered, necessary"; and whereas the President has stated in the aforesaid message that "should it be the pleasure of the Senate to give its sanction to the measures suggested by the Commissioner for this purpose," his own will not be withheld: Therefore,

*Be it resolved*, That the consent of the Senate be, and the same is hereby, given to the application of so much of the Chickasaw fund accruing from the late sale of their lands in the State of Mississippi as may be deemed by the President necessary to supply means of subsistence for the said nation of Chickasaw Indians for seven months commencing with the 1st day of January, 1839; and should the funds above referred to be insufficient for the aforesaid purpose, then the consent of the Senate is given to the sale of the stock in which the moneys arising from the sales of the Chickasaw lands have been invested, as may be necessary: *Provided*, That the measures to be taken and the object shall conform to the treaties with the said Indians now in force, and with the act of Congress entitled "An act to carry into effect the treaties concluded by the Chickasaw tribe of Indians on the 20th October, 1832, and the 24th May, 1834," approved on the 20th April, 1836.

Mr. Prentiss presented a memorial from Israel Jennison, Seneca White, Maris B. Pierce, John Kennedy, jun'r, and Daniel Two Guns, as a delegation of Seneca Indians, asking the rejection of the treaty purporting to have been made with the New York Indians, and declaring their determination not to remove from their lands in that State.

*Ordered*, That the said memorial be printed in confidence for the use of the Senate.

Mr. Tallmadge submitted the following resolution, which was read and ordered to be printed in confidence for the use of the Senate:

*Resolved*, That in the opinion of the Senate the assent of the Seneca tribe of Indians, residing in the State of New York, to the treaty of January 15, 1838, as amended by the resolution of the Senate of June 11th, 1838, has been sufficiently signed to meet the requirements of the resolution of ratification; and therefore the Senate recommends the President to make proclamation of the said treaty and to carry the same into effect.

Mr. Swift submitted the following resolution, which was read and ordered to be printed in confidence for the use of the Senate:

*Resolved*, That in the opinion of the Senate the assent of the Seneca nation of Indians to the treaty made between the United States and said Seneca nation on the 15th day of January, A. D. 1838, as amended by the Senate on the 11th day of June last, has not been given according to the true intent and meaning of the Senate, as expressed in said amendment, and that the same ought not to be carried into effect.

Mr. Sevier, from the Committee on Indian Affairs, to whom were referred, on the 28th of January, and the 21st and 22d instant, and on this day, the following treaties, reported them severally to the Senate without amendment:

1. The treaty made at Bellevue, Upper Missouri, between John Dougherty, agent for Indian affairs, duly authorized on the part of the United States, and the chiefs and headmen of the Omahaw, Ioway, and Otoe tribes or nations of Indians, for themselves and in behalf of the half-breeds of their respective tribes or nations, and concluded on the fifth day of May, eighteen hundred and thirty-eight.

2. Treaty with the Creek Indians, made 23d November, 1838.

3. Treaty with the Ioway Indians, made 19th October, 1838.

4. Treaty with the Great and Little Osage Indians, made 11th January, 1839.

5. Articles supplementary to certain treaties between the United States and the Saganaw tribe of Chippewas, made 7th February, 1839.

6. Supplementary article to a certain treaty between the United States and the Chippewa chiefs of Saganaw, made 7th February, 1839.

The Senate, as in Committee of the Whole, proceeded to consider the treaty with the Omaha, Ioway, and Otoe tribes or nations of Indians.

On motion by Mr. Linn,

*Ordered*, That the said treaty be laid on the table.

The Senate, as in Committee of the Whole, proceeded to consider severally the other treaties and articles reported this day from the Committee on Indian Affairs; and no amendment having been made to either, they were respectively reported to the Senate.

Mr. Sevier submitted the following resolution:

*Resolved* (*two-thirds of the Senators present concurring*), That the Senate advise and consent to the ratification of the treaty made and concluded at Fort Gibson, west of Arkansas, between Captain William Armstrong, acting superintendent Western Territory, and Brevet Brigadier-General Arbuckle, commissioners on the part of the United States, and the undersigned chiefs, being a full delegation of the Creek chiefs

duly authorized and empowered by their nation to adjust "their claims for property and improvements abandoned or lost in consequence of their emigration west of the Mississippi," dated the 23d of November, 1838.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On the question to agree thereto,

It was determined in the affirmative, yeas 31.

Those who voted are,

Messrs. Allen, Benton, Brown, Clay of Alabama, Cuthbert, Fulton, King, Linn, McKean, Merrick, Mouton, Nicholas, Norvell, Prentiss, Preston, Rives, Roane, Robbins, Robinson, Sevier, Smith of Indiana, Swift, Tallmadge, Walker, Wall, Webster, White, Williams of Maine, Williams of Mississippi, Wright, Young.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

Mr. Sevier submitted the following resolution:

*Resolved (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the treaty made at the Great Nemowhaw subagency, between John Dougherty, agent of Indian affairs, on the part of the United States, being specially authorized, and the chiefs and headmen of the Ioway tribe of Indians, for themselves and on the part of their tribe, dated the 19th of October, 1838.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On the question to agree thereto,

It was determined in the affirmative, yeas 29.

Those who voted are,

Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Foster, Fulton, King, Knight, Linn, Merrick, Mouton, Nicholas, Niles, Norvell, Prentiss, Rives, Roane, Robbins, Robinson, Sevier, Smith of Indiana, Swift, Walker, Wall, White, Williams of Mississippi, Young.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

Mr. Sevier submitted the following resolution:

*Resolved (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the treaty made and concluded at Fort Gibson, west of Arkansas, between Brigadier-General M. Arbuckle, commissioner on the part of the United States, and the chiefs, headmen, and warriors of the Great and Little Osage Indians, duly authorized by their respective bands, dated the 11th January, 1839.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On the question to agree thereto,

It was determined in the affirmative, yeas 31.

Those who voted are,

Messrs. Allen, Benton, Brown, Buchanan, Clay of Alabama, Cuthbert, Foster, Fulton, King, Knight, Linn, McKean, Merrick, Mouton, Nicholas, Niles, Norvell, Preston, Rives, Roane, Robbins, Robinson, Sevier, Smith of Indiana, Swift, Walker, Wall, White, Williams of Maine, Wright, Young.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

Mr. Sevier submitted the following resolution:

*Resolved (two thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the articles supplementary to certain treaties between the United States and the Saganaw tribe of

Chippewas, concluded at Lower Saganaw, in Michigan, the 7th of February, 1839.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On the question to agree thereto,

It was determined in the affirmative, yeas 31.

Those who voted are,

Messrs. Allen, Bayard, Benton, Brown, Clayton, Cuthbert, Davis, Foster, Hubbard, King, Linn, McKean, Merrick, Mouton, Nicholas, Niles, Norvell, Pierce, Prentiss, Preston, Roane, Robbins, Robinson, Sevier, Smith of Indiana, Swift, Tallmadge, Wall, White, Wright, Young.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

Mr. Sevier submitted the following resolution :

*Resolved* (*two-thirds of the Senators present concurring*), That the Senate advise and consent to the ratification of the supplementary articles to a certain treaty between the United States and the Chippewa chiefs of Saganaw, concluded at Lower Saganaw, on the 7th day of February, 1839.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On the question to agree thereto,

It was determined in the affirmative, yeas 33.

Those who voted are,

Messrs. Allen, Bayard, Benton, Brown, Clay of Alabama, Clayton, Cuthbert, Foster, Hubbard, King, Knight, Linn, McKean, Merrick, Mouton, Nicholas, Niles, Norvell, Prentiss, Preston, Rives, Roane, Robbins, Robinson, Sevier, Smith of Indiana, Swift, Tallmadge, Walker, Wall, White, Wright, Young.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

Mr. Rives, from the Committee on Naval Affairs, to whom were referred, on the 19th instant and this day, the nominations of Benjamin E. Brooke, William L. Shuttleworth, and James Maguire, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

On motion by Mr. Rives,

The Senate resumed the consideration of the report of the Committee on Naval Affairs, made the 31st of January last, on the nominations of Isaac McKeever and John P. Zantzinger; and,

After debate,

On the question to agree to the resolution with which the said report concludes,

|                                       |   |                        |    |
|---------------------------------------|---|------------------------|----|
| It was determined in the affirmative, | { | Yea <sup>s</sup> ..... | 34 |
|                                       |   | Nay <sup>s</sup> ..... | 8  |

On motion by Mr. Cuthbert,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative are,

Messrs. Bayard, Brown, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Davis, Foster, Fulton, King, Knight, Linn, Lyon, McKean, Merrick, Mouton, Nicholas, Norvell, Prentiss, Preston, Rives, Robbins, Robinson, Smith of Indiana, Swift, Tallmadge, Walker, Wall, Webster, White, Williams of Mississippi, Young.

Those who voted in the negative are,

Messrs. Allen, Benton, Cuthbert, Hubbard, Niles, Roane, Williams of Maine, Wright.

Mr. Buchanan, from the Committee on Foreign Relations, to whom was referred, on the 22d of January last, the treaty with the King of Sardinia, reported the same without amendment.

The Senate, as in Committee of the Whole, proceeded to consider the said treaty; and,

After debate,

On motion by Mr. Benton,

*Ordered*, That the said treaty be laid on the table.

Mr. Sevier, from the Committee on Indian Affairs, to whom were this day referred the nominations of Joshua Pilcher, Joseph M. Street, Henry R. Schoolcraft, Lawrence Taliaferro, John Dougherty, and A. M. M. Upshaw, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Benton, from the Committee on Military Affairs, to whom were referred, the 21st instant and this day, the nominations of W. Scott Ketchum, James S. Vanderveer, Richard West, junior, Fayette Robinson, Martin Burk, James M. Ketchum, William S. Shover, Charles Hoskins, Isaac Lynde, Samuel Whitehorn, Theophilus H. Holmes, James M. Wells, and Lewis G. De Russy, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

### FRIDAY, MARCH 1, 1839.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

I nominate to the Senate Martin Van Buren, junior, to be "secretary under the 6th section of the act to reorganize the General Land Office, approved the 4th day of July, 1836," he having been appointed as such during the recess, in the place of Abraham Van Buren, resigned.

M. VAN BUREN.

WASHINGTON, *March 1st, 1839.*

*To the Senate of the United States:*

Understanding from the decision of the Senate that the regulation of the Navy Department requiring that a commander "shall serve in active employ as such one year before he can be promoted to a captain" does not, under the circumstances of the case, constitute an objection to the promotion of Commander Robert F. Stockton, I nominate him to be a captain in the Navy from the 8th of December, 1838, at the same time renominating Commanders Isaac McKeever and John P. Zantzingers to be captains in the Navy, the former from the 8th of December, 1838, and the latter from the 22d of December, 1838, and withdrawing the nomination of Commander William D. Salter.

M. VAN BUREN.

WASHINGTON, *March 1st, 1839.*

I nominate to the Senate Jeremiah Clemens, of Ala., to be attorney of the United States for the northern district of Alabama, in the place of E. R. Wallace, resigned.

M. VAN BUREN.

WASHINGTON, *March 1st, 1839.*

*To the Senate of the United States:*

I nominate Edward Randolph to be receiver of public moneys for the district of lands subject to sale at Columbus, in the State of Mississippi, vice Francis Leech, resigned.

M. VAN BUREN.

WASHINGTON, March 1st, 1839

*To the Senate of the United States:*

I nominate John Russell to be surveyor and inspector of the revenue for the port of Hartford, in the State of Connecticut, vice Normand Lyman, who declines the appointment.

M. VAN BUREN.

WASHINGTON, March 1st, 1839.

I nominate to the Senate Samuel F. Haviland to be consul of the United States at Coquimbo, in the Republic of Chile, in the place of Thomas T. Smith, resigned.

M. VAN BUREN.

WASHINGTON, March 1st, 1839.

The messages were read.

The Senate, by unanimous consent, proceeded to consider the nominations of Martin Van Buren, junior, Robert F. Stockton, Isaac McKeever, John P. Zan'zinger, Jeremiah Clemens, Edward Randolph; and

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

*Ordered*, That the nominations of John Russell and Samuel F. Haviland be referred to the Committee on Commerce.

Mr. Roane, from the Committee on the District of Columbia, to whom were referred, on the 20th of February, the nominations of Vincent King and Gilbert L. Giberson, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Davis, from the Committee on Commerce, to whom were referred on the 1st and 21st of February and this day, the nominations of Charles Russell, Nicholas W. Parker, John Russell, and Samuel F. Haviland, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of said persons, agreeably to their nominations respectively.

On motion by Mr. Sevier,

The Senate, as in Committee of the Whole, resumed the consideration of the treaty with the Omahaw, Ioway, and Otoe tribes of Indians; and no amendment having been made thereto, it was reported to the Senate.

The question was stated, Will the Senate advise and consent to the ratification of this treaty?

And determined in the negative; nays, 30.

Those who voted are,

Messrs. Allen, Benton, Buchanan, Clay of Alabama, Crittenden, Davis, Foster, Fulton, King, Linn, Lyon, Merrick, Nicholas, Niles, Norvell, Prentiss, Roane, Robinson, Sevier, Smith of Indiana, Southard, Swift, Tallmadge, Walker, Webster, White, Williams of Maine, Williams of Mississippi, Wright, Young.

So it was

*Resolved*, That the Senate do not advise and consent to the ratification

of the articles of a treaty made at Belle-Vue, Upper Missouri, between John Dougherty, agent for Indian affairs, duly authorized on the part of the United States, and the chiefs and headmen of the Omahaw, Ioway, and Otoe tribes or nations of Indians for themselves, and in behalf of the half-breeds of their respective tribes or nations, and concluded on the fifth day of May, eighteen hundred and thirty-eight.

SATURDAY, MARCH 2, 1839.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

I nominate Thomas H. Ellis, of Richmond, Virginia, as secretary of the legation of the United States near the Government of the Mexican Republic, in the place of Thomas G. Ellis, recently nominated by mistake for the same office, which nomination is hereby withdrawn.

M. VAN BUREN.

WASHINGTON, *March 1st, 1839.*

*To the Senate of the United States:*

I nominate I. B. Warren to be surveyor and inspector of the revenue for the port of Cincinnati, in the State of Ohio, from the 3d of the present month, vice Robert Punshon, whose commission will then expire.

M. VAN BUREN.

WASHINGTON, *March 2d, 1839.*

*To the Senate of the United States:*

I nominate John B. Jones to be surveyor and inspector of the revenue for the port of Currituck Inlet, in the State of North Carolina, from this date, when his present commission expires.

M. VAN BUREN.

WASHINGTON, *March 2d, 1839.*

*To the Senate of the United States:*

I nominate Edward S. Jarvis to be collector of the customs for the district and inspector of the revenue for the port of Frenchman's Bay, in the State of Maine, from this date.

M. VAN BUREN.

WASHINGTON, *March 2d, 1839.*

*To the Senate of the United States:*

I nominate Richard Douglas, now a first lieutenant, to be a captain in the Marine Corps from the 24th of February, 1839, to fill a vacancy occasioned by the death of James McCawley.

Jabez C. Rich, now a second lieutenant, to be a first lieutenant in the Marine Corps from the 24th of February, 1839, to fill the vacancy occasioned by the promotion of Rich'd Douglas.

M. VAN BUREN.

WASHINGTON, *March 1st, 1839.*

*To the Senate of the United States:*

I nominate Robert D. Taylor, of Virginia, to be a second lieutenant in the Marine Corps, to supply the vacancy occasioned by the nomination for promotion of Jabez C. Rich.

M. VAN BUREN.

WASHINGTON, *March 1st, 1839.*

I nominate to the Senate Henry Dodge to be governor in and for the Territory of Wisconsin from the 3d day of July next, when his present commission will expire.

M. VAN BUREN.

WASHINGTON, *March 1st, 1839.*

*To the Senate of the United States:*

I nominate Eli S. Prescott to be receiver of public moneys for the district of lands subject to sale at Chicago, in the State of Illinois, from the 4th of the present month, vice E. D. Taylor, whose commission will then expire.

M. VAN BUREN.

WASHINGTON, March 2d, 1839.

*To the Senate of the United States:*

I nominate James Stockman to be collector of the customs for the district and inspector of the revenue for the port of Natchez, in the State of Mississippi, from the 12th of December last, when his late commission expired.

M. VAN BUREN.

WASHINGTON, March 2d, 1839.

*Gentlemen of the Senate:*

I nominate, for your advice and consent, Aaron Barker to be deputy postmaster at Cleveland, in the State of Ohio, in place of Daniel Worley, resigned.

M. VAN BUREN.

MARCH 2D, 1839.

The messages were read.

*Ordered,* That the nomination of Thomas H. Ellis be referred to the Committee on Foreign Relations.

*Ordered,* That the nominations of I. B. Warren, John B. Jones, and Edward S. Jarvis be severally referred to the Committee on Commerce.

*Ordered,* That the nominations of Richard Douglas, Jabez C. Rich, and Robert D. Taylor be severally referred to the Committee on Naval Affairs.

*Ordered,* That the nomination of Henry Dodge be referred to the Committee on the Judiciary.

The Senate, by unanimous consent, proceeded to consider the nominations of Eli S. Prescott, James Stockman, and Aaron Barker, respectively.

Whereupon,

*Resolved,* That the Senate advise and consent to the appointment of the said persons, agreeably to their respective nominations.

On motion by Mr. Sevier,

The Senate resumed the consideration of the message of the 22d of January last, communicating the treaty with the New York Indians, and the report thereon from the Committee on Indian Affairs, submitted on the 28th of February last.

Mr. Tallmadge submitted the following resolution:

*Resolved,* That whenever the President of the United States shall be satisfied that the assent of the Seneca tribe of Indians has been given to the amended treaty of June 11th, 1838, with the New York Indians, according to the true intent and meaning of the resolution of the Senate of the 11th of June, 1838, the Senate recommend that the President make proclamation of said treaty and carry the same into effect.

On the question to agree thereto,

It was determined in the affirmative, { Yeas..... 26  
Nays .. . . . . 13

Those who voted in the affirmative are,

Messrs. Allen, Benton, Clay of Alabama, Clay of Kentucky, Cuthbert, Foster, Fulton, Hubbard, Linn, Lyon, McKean, Merrick, Mouton, Niles, Norvell, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Tallmadge, Walker, Wall, Williams of Maine, Wright.

Those who voted in the negative are,  
Messrs. Calhoun, Clayton, Davis, King, Knight, Morris, Nicholas,  
Pierce, Prentiss, Robbins, Southard, Swift, White.

So the said resolution was agreed to, two-thirds of the Senators present concurring therein.

*Ordered*, That the Secretary lay the said resolution and the treaty transmitted to the Senate with the message of the 22d of January, last, before the President of the United States.

On motion by Mr. Tallmadge,

*Resolved*, That the injunction of secrecy be removed from the proceedings of the Senate and the documents relating to the said treaty with the New York Indians.

Mr. Rives, from the Committee on Naval Affairs, to whom were referred, on the 26th of December, and 13th of February last, the nominations of Lewis E. Simonds, John Weems, Charles S. Ridgely, John M. Dale, and Robert E. Johnson, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Buchanan, from the Committee on Foreign Relations, to whom was referred, this day, the nomination of Thomas H. Ellis, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Thomas H. Ellis, agreeably to the nomination.

Mr. Norvell, from the Committee on Commerce, to whom were this day referred the nominations of J. B. Warren, John B. Jones, and Edward S. Jarvis, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Rives, from the Committee on Naval Affairs, to whom were this day referred the nominations of Richard Douglas, Jabez C. Rich, and Robert D. Taylor, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of the said persons, agreeably to their nominations respectively.

Mr. Pierce, from the Committee on the Judiciary, to whom was this day referred the nomination of Henry Dodge, reported.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of Henry Dodge, agreeably to the nomination.

On motion by Mr. Buchanan,

The Senate, as in Committee of the Whole, resumed the consideration of the treaty with the King of Sardinia; and no amendment having been made thereto, it was reported to the Senate.

Mr. Buchanan submitted the following resolution:

*Resolved (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of the treaty of commerce and navigation between the United States of America and His Majesty the King of Sardinia, concluded at Genoa, on the 26th of November, 1838.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On the question to agree thereto,

It was determined in the affirmative, yeas 30.

Those who voted are,

Messrs. Allen, Bayard, Benton, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Cuthbert, Davis, Foster, Fulton, Hubbard,

King, Knight, Linn, Lyon, McKean, Merrick, Mouton, Niles, Norvell, Pierce, Preston, Rives, Roane, Robbins, Robinson, Ruggles, Sevier, Smith of Indiana, Southard, Swift, Tallmadge, Walker, Wall, White, Williams of Maine, Williams of Mississippi, Young.

*Ordered*, That the Secretary lay the said resolution before the President of the United States.

On motion by Mr. Buchanan,

*Ordered*, That the original documents transmitted to the Senate with the treaty aforesaid, be returned to the Department of State.

On motion by Mr. Buchanan,

The Senate resumed the consideration of the message of the 2nd of February last, relative to an extension of the time limited for the exchange of the ratifications of the convention with the Mexican Republic.

Mr. Buchanan submitted the following preamble and resolution:

Whereas, the time limited by the twelfth article of the convention for the adjustment of claims of citizens of the United States of America upon the Government of the Mexican Republic, concluded at the city of Washington on the 10th day of September, 1838, has expired before an exchange of ratifications has taken place, as provided for by the said article; be it therefore

*Resolved* (*two-thirds of the Senators present concurring*), That the Senate advise and consent to the exchange of ratifications of the convention aforesaid, at any time prior to the tenth day of December next, whenever the same shall be offered by the Mexican Republic; and the said ratifications shall be deemed and taken to have been regularly exchanged, the limitation contained in said convention to the contrary notwithstanding.

On the question to agree thereto,

It was determined in the affirmative, yeas 34.

Those who voted are,

Messrs. Allen, Benton, Buchanan, Calhoun, Clay of Alabama, Davis, Foster, Fulton, Hubbard, King, Lyon, Merrick, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Preston, Robinson, Ruggles, Sevier, Smith of Indiana, Southard, Swift, Tallmadge, Walker, Wall, Webster, White, Williams of Maine, Williams of Mississippi, Wright, Young.

*Ordered*, That the Secretary lay the said preamble and resolution before the President of the United States.

### SUNDAY, MARCH 3, 1839.

The following messages were received from the President of the United States, by Mr. Abraham Van Buren, his secretary:

I nominate to the Senate Commander William D. Salter to be a captain in the Navy of the United States from this date.

M. VAN BUREN.

WASHINGTON, 3d March, 1839.

I nominate David Porter, now chargé d'affaires at Constantinople, to be minister resident of the United States at that place.

M. VAN BUREN.

WASHINGTON, March 3d, 1839.

The messages were read.

The Senate, by unanimous consent, proceeded to consider the nominations contained therein.

Whereupon

*Resolved*, That the Senate advise and consent to the appointment of William D. Salter and David Porter, agreeably to their nominations respectively.